

Medr's response to the [Children, Young People and Education Committee's inquiry](#) into the general principles of the Welsh Language and Education (Wales) Bill.

1. Medr – who we are

1.1 The Commission for Tertiary Education and Research (Medr), as introduced by the Tertiary Education and Research (Wales) Act 2022 (TER Act), became operational on 1 August 2024. Medr is responsible for funding and regulating tertiary education and research providers in Wales. We fund and regulate apprenticeship providers, further education Colleges, local authorities and Universities, providing oversight of adult community learning, apprenticeships, further education, higher education and local authority maintained sixth form provision.

1.2 In discharging our funding and regulatory duties, we have to take account of eleven strategic duties set out in TER Act.

- Promoting lifelong learning
- Promoting equality of opportunity
- Encouraging participation in tertiary education
- Promoting continuous improvement in tertiary education
- Promotion of research and innovation
- Promoting collaboration and coherence in tertiary education and research
- Contributing to a sustainable and innovative economy
- Promoting tertiary education through the medium of Welsh
- Promoting a civic mission
- Promoting a global outlook
- Promoting collaboration between providers of tertiary education and trade unions

1.3 We are currently consulting on our draft strategic plan.¹ The plan sets out our strategic aims, which take account of the strategic duties above. One of the strategic aims we are consulting on is **“To encourage greater use of the Welsh Language, increasing demand for and participation in, learning and assessment through the medium of Welsh”**. In delivering on this strategic aim, supported by our new funding and regulatory levers, we are committed to meeting the policy ambitions the Welsh Language and Education Bill is looking to enable. Central to the delivery of our strategic aim is a commitment, working with other stakeholders, to develop a

¹ This can be found on our website [Medr Strategic Plan 2024](#)

national plan for tertiary education, responding to the Welsh Government's strategic priority² to:

“Develop a plan to increase and improve the provision and promotion of Welsh-medium education and assessment in the whole of the tertiary system recognising the role of Coleg Cymraeg Cenedlaethol, as the designated person under Section 9 of the 2022 Act and Qualifications Wales as the independent qualifications regulator. This is a key part of the seamless pathway for learners into the tertiary education of their choosing.”

2. Overview

- 2.1 We support the bold ambitions set out by Government in Cymraeg 2050 to reach the target of a million Welsh speakers. Education, as a whole (early years, compulsory, and tertiary education), has a significant role in supporting Government to meet this target and to ensure that the Welsh language thrives and Welsh-speaking communities are supported and strengthened.
- 2.2 The Bill, as currently drafted, goes a long way to enabling the Welsh Government’s ambition in Cymraeg 2050, but our view is that some general improvements can be made in the high level areas set out below. These amendments should ensure that the Bill provides further clarity around the roles of different organisations, particularly reflecting the role of Medr and how the Bill fits in the wider tertiary education system. The use of clearer definitions reflecting the distinctions between the learning of the Welsh language, Welsh as a subject in itself, and learning delivered through the medium of Welsh or bi-lingually, will provide helpful clarity and direction for all stakeholders. There is also a need to be clearer on the financial implications of the change required, particularly in relation to the workforce and the cost of provision.

Clarity around roles of organisations

- 2.3 We understand the policy intention is to mirror current arrangements and, in the context of tertiary education, focus on increasing the number of people speaking Welsh and improving people’s ability to speak Welsh. However, it is our view that, the roles of some organisations in the tertiary education sector, particularly Medr and the Coleg Cymraeg Cenedlaethol, are not clearly set out in either the Bill or the explanatory memorandum.

² As set out on the Welsh Government website

[Statement of strategic priorities for tertiary education and research and innovation | Gov.Wales](#)

Whilst we recognise it is for Welsh Government to set high level policy, the absence of clearly referring to the role of Medr, provides some ambiguity around how the national framework will be developed. Additionally, clarity around the role of the new National Institute for Learning Welsh will be strengthened with reference to how it will operate in tertiary education alongside both Medr and the Coleg Cymraeg Cenedlaethol.

- 2.4 These comments are set out in the context of ensuring coherence and clarity for those who operate in the tertiary education system. Medr was established following recommendations set out in the Hazelkorn Review³, which highlighted the potential for coherence to be improved across the tertiary education sector in Wales. The Bill, as currently drafted, could be improved by having a greater focus on the practical benefits for learners of coherence in the tertiary sector, including Welsh Language provision. The changes proposed by this Bill may lead to increased demands on tertiary education providers and, unless properly understood and accounted for in the context of the whole system, this could negatively impact on delivery of the stated aims, or on the outcomes for the learner.

Need for clearer definitions

- 2.5 Further improvements could also be made through resolving some of the ambiguity in the language used throughout the Bill. We recognise that Medr also needs to pay further attention to the language it uses in this area. From our perspective, that ambiguity is largely manifested through the Bill when making references to types of learning that could fit into the definition of describing the learning of the Welsh language, Welsh as a subject in itself, and learning delivered through the medium of Welsh or bi-lingually. Also it needs to be clear where a catch all term may be needed. Increasing the numbers of people learning Welsh language skills, studying Welsh as a subject in itself, and learning through the medium of Welsh is critical to the achievement of a million Welsh speakers by 2050. Resolving this ambiguity, alongside further descriptions of other organisations and their roles and responsibilities in this policy area, should help clarify arrangements.
- 2.6 In this area, we think the Bill has an opportunity to improve the clarity of definitions in use for the entire sector. It is likely that the terms and definitions used in this Bill will become the adopted language for all the organisations impacted by it, as they look to demonstrate compliance with

³ This can be found on the Welsh Government website

<https://www.gov.wales/sites/default/files/publications/2018-02/towards-2030-a-framework-for-building-a-world-class-post-compulsory-education-system-for-wales.pdf>

the legislation. If the terms and definitions within the legislation are clear and recognisable, then it may be easier for organisations that are key to delivering this transformation to communicate the change effectively and deliver on our collective ambitions. We think that improved and clearer definitions, that can be widely understood, should be developed through discussions between Welsh Government officials and key stakeholders as this Bill develops.

Clarity on resources

2.7 To deliver the Welsh Government aspirations in Cymraeg 2050, we recognise the significant change that is required across Government, public bodies, education institutions and society as a whole. This requires collaboration and strong leadership which we, at Medr, are committed to providing within the tertiary education sector. However, we need collectively to recognise that fundamental reform and significantly increasing performance will be challenging with the current financial constraints and challenging budgets. Honest, transparent conversations will be required to target funding where these ambitions can most effectively be delivered, taking account of other challenges we, across the education system in Wales, have to urgently address, including improving participation, equity and reducing social disadvantage across Wales.

2.8 We have to be collectively cognisant that these reforms can only be delivered by a sufficiently well resourced and upskilled workforce across the whole education system in Wales. That also includes having sufficient capacity for research in the medium of Welsh, which is critical to supporting a knowledgeable workforce capable of teaching through the medium of Welsh. The workforce requirements to deliver this change are not sufficiently recognised in the Bill in terms of the financial implications. As the Bill is scrutinised during the different stages of the Senedd process, this needs to be recognised.

3. General Principles of the Welsh Language Education Bill

Part One – Promotion and Facilitation of the Welsh Language

3.1 As we have stated, we are supportive of the Bill, and recognise the policy rationale for including the target for a million speakers on a statutory footing, alongside the setting of some more specific targets in Section 1 of the Bill. As we collectively take steps to deliver the ambition of the strategy, it needs to be ensured that the intended policy outcomes are not seen solely

through the lens of targets. There will need to be a more nuanced approach to balance monitoring of progress to achieve the targets with ongoing support to those that are taking all reasonable steps to meet targets, but may not be meeting them. If there is an intention to set targets for tertiary education providers then it should be for Medr, using its regulatory and funding levers, to set these targets.

- 3.2 We recognise that, with such significant legislation, appropriate measures need to be put in place to enable the Welsh Language Commissioner to use their powers to support the Bill's ambition. The amendments to standards proposed in the Bill appear proportionate to that effect. It is important to also recognise, however, that Standards themselves are not the only tool to support the Commissioner to deliver the policy intent in this Bill. The recent steps by the Commissioner to develop a co-regulatory approach and the setting of regulatory outcomes, of which we are supportive, is one example of this.

Part Two – Describing Welsh Language Ability

- 3.3 Establishing the concept of different types of Welsh language user will be a significant development for tertiary education providers, as they build common reference levels into their programmes of study and their own recruitment policies. We will work with tertiary education providers, and other key partners, to explore the most effective way for common reference levels to be used across tertiary education in Wales. We will also work with other public bodies to build those levels into our recruitment policies.

Part Three – Welsh Language Education

- 3.4 We support the measures taken in Part Three of the Bill. However, we feel there is insufficient recognition of our planning role in tertiary education and as a funder of provision in school-based sixth forms. School based sixth-forms are critical to the delivery of Welsh medium education and ensuring that the language thrives. However, those sixth forms cannot be separated from an overall school's function and there is a risk that in taking a school approach to Welsh language delivery, which is the correct approach, without recognising Medr's duties in relation to sixth-form provision risks increasing incoherence. To mitigate this, we recommend that the explanatory memorandum highlights that when a school, with a sixth form, prepares a Welsh language delivery plan, they must take into account Medr's regulatory requirements, particularly as set out in the Learner Engagement Code.

Part Four – National Framework

- 3.5 Medr has a strategic planning role as the funder and regulator of tertiary education in Wales. We have a duty to deliver on our legislative responsibilities, largely set out in the TER Act, and to take account of Welsh Government priorities in our strategic plan. Part of our role is to ensure that when we set out funding and regulatory arrangements for tertiary education, they are cognisant of arrangements Welsh Government puts in place for compulsory education. This is critical to enable learners to progress from compulsory education through to tertiary education. Bringing arrangements for compulsory education and the learning of the Welsh language into one framework, provides the opportunity for Medr to develop a complementary national plan for tertiary education where it has clear oversight for Welsh medium education and Welsh as a subject. However, whilst we understand that the intention of the framework is to only cover the role of the learning of the Welsh language in tertiary education, we feel the Bill could be strengthened to ensure clarity. As we take forward our strategic commitment to develop a national plan, we are in active dialogue with Welsh Government officials to work through any interdependencies with the proposed national framework.
- 3.6 Whilst the Bill defines how the framework takes account of compulsory education, it is not explicit how the framework will take account of tertiary education, particularly given there is no clear definition provided for Welsh language learning. The lack of a definition and no explicit recognition of Medr's role in the explanatory memorandum means that references to the tertiary education sector could be read to imply that the framework covers Welsh medium education and Welsh subjects in tertiary education not just 'learn Welsh' provision. This particularly has the potential for creating confusion and incoherence in the tertiary education sector in the context of the references to tertiary education as set out in sections 23 (3) and (4) of the Bill, and given that Welsh Government has set a strategic priority for Medr to develop a plan to increase and improve the provision and promotion of Welsh-medium education and assessment in the whole of the tertiary system. Our recommendation would be that, in the explanatory memorandum, the role of Medr is clearly set out in relation to Welsh as a subject and Welsh medium provision in tertiary education and being clear that it is not within scope of the Welsh Government framework. These additions will provide clarity of the context in which this national framework will be developed, and how it will be developed. This will provide certainty on the roles and responsibilities for Medr, Welsh Government, the tertiary education sector and other key partners such as the Coleg Cymraeg

Cenedlaethol (as the designated body to provide Medr with advice to promote tertiary education through the medium of Welsh).

- 3.7 In recognition of Medr's role, the Bill should also be amended to reflect that when a local authority prepares a local Welsh in education strategic plan it consults Medr and also takes account of any proposals for restructuring sixth-form provision in accordance with the School Standards and Organisation (Wales) Act 2013.
- 3.8 We welcome the requirement that local education strategic plans include local further education institutions as statutory consultees. This should also include other tertiary education providers, including local higher education institutions, aligning with the TER Act's clearer driver for greater collaboration across education in Wales. There needs to be better join up of planning and information sharing at all levels of the education system, including between compulsory and tertiary education providers, so that clearer pathways are developed across education in Wales informed by learner's Welsh language skills. This will enable tertiary education providers to not just increase and improve tertiary education and research through the medium of Welsh, and Welsh as a subject, but also to encourage greater promotion of the Welsh language across learners' broader tertiary experience. Provision in the tertiary education sector should build on learners' existing language skills and confidence, as well as creating new Welsh speakers. This need will inform how we deliver on our strategic plan commitments and develop our new regulatory and funding system.

Part Five - National Institute for Learning Welsh

- 3.9 We view the National Centre for Learning Welsh as an important stakeholder and we are engaging in discussions with them as to how we can, collectively, provide clarity to the tertiary education sector. In the future, we will treat the National Institute for Learning Welsh (the Institute) in the same manner. We will work closely to ensure that: there is no duplication of our funding with its allocations; there is no additional administrative burden on providers between our requests and the Institute's requests for data; information is shared to enable both Medr and the Institute to make evidence informed decisions; and tertiary education providers work with the Institute to support learners to study through the medium of Welsh.
- 3.10 In the same context as our comments above, and given the references to tertiary education in this part of the Bill, the lack of reference to Medr's role and that of the Coleg Cymraeg Cenedlaethol, alongside the absence of

definitions for language learning and language learning providers creates further potential for ambiguity. We understand that the Bill, as drafted, refers to Welsh language learning in this part of the Bill as solely learning to improve Welsh language skills in the tertiary education sector. Our recommendation would be that clearly setting out definitions to clarify this in legislation and the roles of Medr, the Institute and the Coleg Cymraeg Cenedlaethol in the explanatory memorandum would provide helpful context to frame the new statutory duties for the Institute.

- 3.11 We have general duties in section 52 and 53 of the TER Act around the quality of tertiary education. The introduction of the Institute would bring it within scope of some of Medr's quality powers. Clarity of how Welsh Government, the Institute, Medr and Estyn (which will inspect the provision offered by the Institute) operate in that context needs to be appropriately considered. We intend to discuss this further with all parties to ensure that there is sufficient clarity of arrangements for all organisations regarding roles and responsibilities, and to ensure coherence across the tertiary education sector enabling good learner outcomes.
- 3.12 Additionally, the proposals for providing powers for the Institute in relation to equality of opportunity, continuous improvement, and setting quality frameworks need to be considered in the context that the centres that deliver the provision for Welsh language learning are part of wider tertiary education providers subject to Medr requirements for the same matters. There is a risk with the Bill, as drafted, that providers could be subject to additional burden if the requirements imposed by the Institute and Medr are not aligned. Medr is currently set out as a statutory consultee when the Institute develops its strategic plan, but we would also expect the Institute to take account of the requirements set by Medr for tertiary education providers when delivering their duties in sections 39 and 40 of the Bill. This could be achieved through putting a duty in legislation on the Institute, or through expectations of ways of working, in the explanatory memorandum.
- 3.13 There could also be improvements to the Bill by ensuring that learner engagement is a duty for the Institute, taking account of the broader Learner Engagement Code that Medr will develop to fulfil the duties in the TER Act. This will be in line with the principle that learners are at the heart of the tertiary education system in Wales.

- 4. Any potential obstacles to the implementation and consideration of the provisions of the Bill (including the commencement and the United Kingdom Internal Market Act)**
 - 4.1 We have no comments to make on this matter.

- 5. The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)**
 - 5.1 Appropriate powers are being proposed to ensure the Senedd discusses significant changes made through regulations. As noted above, some of the areas potentially in scope of regulations would intersect with Medr's role but the suggested amendments should address this.

- 6. Financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum).**
 - 6.1 As we have noted in our overview, substantial investment will be required to implement the Bill in full. This includes recognising the comparatively high cost of delivering Welsh medium provision where provision is largely in English and substantial investment is required to maintain and grow Welsh medium provision.
 - 6.2 There are also substantial challenges in relation to having sufficient numbers of teaching staff with the skills to deliver education and training through the medium of Welsh. Currently initial teacher education providers are struggling to recruit to their current trainee numbers, which has implications for the availability of future teaching staff, without whom it will be exceptionally difficult to deliver an increased volume and range of Welsh medium education.
 - 6.3 Tertiary education providers are under considerable financial pressure in the current context, and delivering growth of Welsh medium provision without additional resources will be extremely challenging, and represents a risk both to the delivery of this Bill, and to achieving the targets set out in Cymraeg 2050.

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