



Llywodraeth Cymru
Welsh Government

To:

Higher education institutions in Wales providing designated higher education courses
Further education institutions in Wales providing designated higher education courses
Other providers providing designated higher education courses
The Student Loans Company
UCAS
The Open University in Wales
Student Finance Wales Stakeholder Group
NUS Wales
Higher Education Funding Council for Wales
Universities Wales
Colleges Wales
and other interested parties

28 June 2017

Dear Colleague

WELSH STUDENT SUPPORT: POLICY FOR SPECIFIC COURSE DESIGNATION

This policy is about the specific designation of courses of higher education for the purpose of attracting statutory student support from the Welsh Government. It applies to the designation of courses that are currently not designated and which start on or after 1 September 2017. Courses with an existing designation are not affected, but the Welsh Government may review these courses in due course.

ENQUIRIES

If you have any queries about the policy or wish to comment on this Information Notice, please contact the Higher Education Division in writing at the address below or by email (HECourseDesignation@wales.gsi.gov.uk).

Welsh student support: Policy for Specific Course Designation

Background

1. This policy is about the specific designation of courses of higher education for the purpose of attracting statutory student support from the Welsh Government. It applies to the designation of courses that are currently not designated and which start on or after 1 September 2017. Courses with an existing designation are not affected, but the Welsh Government may review these courses in due course.
2. Regulations made under section 22 of the Teaching and Higher Education Act 1998 enable the Welsh Ministers to make grants or loans to eligible students in connection with their attendance on designated courses. Students ordinarily resident in Wales undertaking courses of higher education may be eligible for support to meet tuition fees and living costs from the Welsh Ministers. Providers must have their courses 'designated' to enable students to access the financial support available from the Welsh Government. There are two potential routes by which courses may be designated: (i) automatic designation and (ii) specific designation (i.e. discretionary designation).

Automatic designation

3. Full-time higher education (HE) courses provided by publicly funded providers have previously been automatically designated for the purposes of Welsh Government student support. From academic year 2017/18 the automatic designation of full-time courses of higher education which commence on or after 1 September 2017 will apply only to those courses provided by 'recognised educational' institutions as specified in the Welsh student support regulations¹. A 'recognised educational institution' is defined as follows:
 - (i) a Welsh regulated institution i.e. an institution which has a fee and access plan approved by the Higher Education Funding Council for Wales (HEFCW) under section 7 of the Higher Education (Wales) Act 2015 whilst that plan remains in force;
 - (ii) an English regulated institution i.e. an institution maintained or assisted by recurrent grants from the Higher Education Funding Council for England (HEFCE); and

¹ The Education (Student Support) (Wales) Regulations 2017 SI 2017 No.47 (W.21). Regulation 5 makes provision for the designation of courses.

(iii) an institution situated in Scotland or Northern Ireland maintained or assisted by recurrent grants out of public funds.

4. A recognised educational institution will qualify for automatic designation of its full-time higher education courses that satisfy the conditions of set out in the Welsh student support regulations². Automatic designation will also apply to full-time courses provided by a charity situated in England and Wales on behalf of a Welsh regulated institution or courses provided by a publicly funded institution situated in the United Kingdom on behalf of an English regulated institution.

The arrangements for part-time courses are different. One of the requirements for the automatic designation of a part-time course is that it is provided by a publicly funded educational institution in the United Kingdom³.

Where a course is not automatically designated it will need to be specifically designated.

5. Queries about automatic designation can be directed to:
hepolicy@wales.gsi.gov.uk

Specific designation

6. Higher education courses that are not automatically designated may be designated on a course-by-course basis by the Welsh Ministers. These courses are said to be 'specifically' designated to distinguish them from courses with an automatic designation.
7. While each route to designation is distinct, the Welsh Ministers' general position is that the same core principles should underpin each. In particular the Welsh Ministers consider that institutions that have their courses automatically designated and other providers of higher education should provide education of an adequate quality, be financially viable and make a significant and ongoing contribution to the public good in connection with education (see paragraphs 15 – 20).
8. This document outlines the criteria that the Welsh Ministers will take account of when deciding whether to specifically designate courses for the purpose of student support.

² The Education Student Support (Wales) Regulations 2017 SI 2017 No. 47 (W 21) Regulation 5(1) establishes the conditions to be satisfied.

³ Regulation 83 of the Welsh student support regulations sets out the conditions to be satisfied in respect of part-time courses.

9. Applications for specific course designation must be made by the organisation which is responsible for the overall control of the course in terms of its content and delivery. In the case of franchised courses applications should be made by the franchisor rather than the franchisee.
10. The Welsh Ministers will in an appropriate case, consider departing from their general position as set out above and not applying the criteria set out below. However, the Welsh Ministers are likely to adopt such an approach only in exceptional cases, and it will be for the organisation concerned to provide good reasons why the Welsh Ministers should take such a course.
11. Queries about specific designation can be directed to:
HECourseDesignation@wales.gsi.gov.uk

Criteria

12. Five criteria will be taken into account when deciding whether to designate a course:
 - The course is capable of designation.
 - The course is validated by an appropriate body.
 - The provider makes a significant and ongoing contribution to the public good in connection with education.
 - The provision offered by the provider is of an adequate quality.
 - The provider is financially viable.

Course capable of designation

13. A course is capable of being designated if it is:
 - i. A first degree course.
 - ii. A course for the Diploma of Higher Education.
 - iii. A course for the Higher National Diploma or Higher National Certificate of—
 - (a) the Business & Technology Education Council; or
 - (b) the Scottish Qualification Authority.
 - iv. A course for the certificate of Higher Education.
 - v. A course for the initial training of teachers.
 - vi. A course for the further training of youth and community workers.
 - vii. A course in preparation for a professional examination of a standard higher than that of—
 - (a) examination at advanced level for the General Certificate of Education or the examination at higher level for the Scottish

Certificate of Education, not being a course for entry to which a first degree (or equivalent qualification) is normally required; or
(b) the examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph iii, not being a course for entry to which a first degree (or equivalent qualification) is normally required.

- viii. A course—
- (a) providing education (whether or not in preparation for an examination) the standard of which is higher than that of courses providing education in preparation for any of the examinations mentioned in paragraph vii(a) or (b) but not higher than that of a first degree course; and
 - (b) for entry to which a first degree (or equivalent qualification) is not normally required.

Additionally, courses leading to a postgraduate award are capable of being designated for the purpose of providing eligible students with Disabled Students' Allowances.

Courses must consist of at least one year's full-time or sandwich study or its part-time equivalent.

Validation

14. Providers must demonstrate that the course is validated by an appropriate awarding body:
- a course leading to the award of a degree by a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016;
 - the award of Higher National Diploma or Higher National Certificate is awarded by Business & Technology Education Council, the Scottish Qualifications Agency, or a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016.

Contribution to the Public good

15. The Welsh Government has finite resources at its disposal and must ensure the best value for students and taxpayers. The Welsh Government wants to ensure that, as far as possible, taxpayers' investment in education is reinvested by providers for educational purposes i.e. in activities that support access to or the promotion of education, contribute to the availability of education or improve the retention of students and employability of graduates. Higher education providers whose courses are designated for student support effectively receive a subsidy from the taxpayer via the support made available

by the Welsh Government in the form of tuition fee loans to the student as well as maintenance loans and grants.

16. If a provider has *charitable status*, the Welsh Government considers that this demonstrates evidence of a contribution to the public good.
17. The Welsh Ministers require applicants that are not charities to demonstrate that they make a significant and ongoing contribution to the public good generally in the sphere of education through submission of a written statement. The Welsh Government has identified six areas set out below in which higher education providers may be able to demonstrate that they make a significant and ongoing contribution to the public good.

Illustrative Examples of Contribution to the Public Good

- (A) Equality of opportunity** - Measures to attract and retain students from under-represented groups, the provision of academic and welfare support to those from under-represented groups or the provision of bursary schemes, fee waivers, scholarships or hardship funding.
- (B) Promotion of higher education** - Working with schools, colleges and other public, private and voluntary bodies to communicate the benefits of higher education and promote a culture of learning and education.
- (C) Welsh medium education** - The use and development of Welsh medium and/or Welsh language education which supports the objectives of the Welsh Government's language strategy by providers based in Wales.
- (D) Graduate employability** - Developing the employability of graduates, over and above the provision of education, including links to employers, the development of employability, enterprise or personal effectiveness skills, or work placements.
- (E) Community engagement** Engagement with the local community by providing access to facilities, providing free or reduced cost access to courses or lectures, or delivering a service as an integral part of the institution's civic duty . This may be to the general public or some specific groups. It may also include programmes in which students are supported to be active in their local community.

18. The above list is not exhaustive – the Welsh Government recognises that providers have a wide range of objectives and may be able to demonstrate a meaningful contribution to the public good in other ways. The written

statement may include examples and evidence by reference to some or all of the above areas which are not mutually exclusive and any other evidence that an institution considers relevant.

19. The Welsh Ministers will consider whether the information provided by applicants demonstrates a significant and ongoing contribution to the public good in the sphere of education. The information provided by applicants will need to demonstrate that the activity is both significant and ongoing e.g. by way of reference to amount of expenditure on activities that contribute to the public good in connection with education and the duration of those activities.
20. Providers should note that a course must be capable of meeting the other criteria for designation **before** any evidence in respect of a significant and ongoing contribution to the public good will be considered. The provision of higher education alone will not be sufficient to demonstrate that a contribution is made.

Quality

21. The course to be designated must be of an adequate quality. Providers will be required to provide information relating to quality from the organisation or agency responsible for assuring the quality of the course. Providers should have their HE provision assured by the Quality Assurance Agency for Higher Education (<http://www.qaa.ac.uk/en>) or an agency on the European Quality Assurance Register for Higher Education (EQAR), and will be required to submit evidence of a successful review.

Financial viability

22. The provider seeking for their course to be designated must demonstrate that it is financially sustainable and that students can therefore be confident of the provider responsible for their course remaining financially viable for the duration of their studies. Providers will be required to provide information that demonstrates that they are operating in a financially viable manner. This will include information such as audited annual accounts and financial forecasts.

Postgraduate courses

23. Courses leading to a postgraduate award are capable of being designated for the purpose of providing eligible students with Disabled Students' Allowances.

Providers must meet the quality and financial viability criteria described above. The course must be validated by a recognised body as prescribed in the Education (Recognised Bodies) (Wales) Order 2016. Demonstrating a contribution to the public good is not required as the Welsh Government does not provide any tuition fee support for postgraduate courses. For information about the more general designation of postgraduate courses please contact: hepolicy@wales.gsi.gov.uk

24. Providers who wish to apply to have their courses designated should contact the Welsh Government's Higher Education Division either in writing on the front page of this notice or by email to (HECourseDesignation@wales.gsi.gov.uk) to request an application form. Providers should complete and return together with the necessary evidence. A copy of the application form is included for information at Annex A.

Application

25. The application form at Annex A details the information required to enable the Welsh Government to assess specific course designation applications. The Welsh Government will not assess incomplete applications and it is the responsibility of applicants to ensure that their applications are complete. Providers are responsible for the content of their applications.
26. Designation is specific to the course and the location of its delivery. A designation is required for each location at which a course is offered. Applicants should note that each location where students receiving support are taught must be designated. If providers have received designation for specified locations and subsequently wish to add additional locations then they will need to apply for those locations separately. If providers wish to remove or change a location then they should contact the Welsh Government for information about the process to follow for change of circumstances. Queries should be directed to: HECourseDesignation@wales.gsi.gov.uk
27. Although applicants may submit an application for specific course designation at any point in the year they will need to allow sufficient time for their application to be considered ahead of commencement of the course(s) in question. Please note that the application process may take **around three months** from the submission of a complete application to a final decision. The timescales may be longer in certain cases e.g. where complex/technical/voluminous or incomplete information is provided or where the Welsh

Ministers are not minded to designate a course and the applicant makes representations. Providers should not make any public information available which suggests that the course will receive support from the Welsh Ministers before the outcome of an application is known.

28. It is the responsibility of applicants to ensure that they plan their course designation applications and arrangements for recruitment of students in a timely manner. This will ensure that where course designation applications are successful that students can apply for student support, and subject to personal eligibility, receive it in time for commencement of their courses.
29. The Welsh Government is not responsible for information given to students by providers about the availability of student support. It is the responsibility of individual providers to give students accurate information about any application for specific course designation. **In particular providers should note that they cannot advertise the availability of student support from the Welsh Government for a given course until designation for that course has been granted.**

Assessment and notification

30. The Welsh Government will review the application and supporting information (where applicable) and determine whether or not designation is to be granted. The Welsh Government will then write to the provider to inform them of its determination. If the Welsh Ministers are not minded to designate a course, providers will be offered an opportunity to make representations. Reasons will be given for the decision.

Investigations

31. An application from a provider which at the time it makes an application for designation is under investigation:
 - by the Welsh, UK, Scottish or Northern Ireland governments, by the body responsible for validating its awards, or by the Student Loans Company in connection with a matter relating to its provision of higher education;
 - by an organisation or agency responsible for the quality of higher education provided;
 - by its charity regulator; or

- in connection with an alleged criminal offence

will not normally be approved before that investigation concludes. The outcome of an investigation may be taken into account by the Welsh Ministers when making a decision as to whether to designate a course.

De-designation and suspension of payments

32. A course may be de-designated or its designation suspended if the provider does not continue to meet the criteria for designation. The Welsh Ministers may suspend student support payments to the provider in circumstances such as those listed in paragraph 31 above. Such action may be taken in cases where fraud, misrepresentation or other wrongdoing by providers and / or students are under investigation or proven.

Change of circumstances

33. Providers are required to notify the Welsh Government about any changes that may affect their ability to meet the specific course designation criteria. They must also report any changes of control or ownership. Designation is granted to an organisation based on the criteria set out in this policy document. A change of control or ownership may change the ability of a provider to continue to meet the designation criteria. This means that if a change of control or ownership of a provider occurs then specific course designation does not automatically continue. It is important that providers whose courses have been designated by the Welsh Ministers engage with the Welsh Government at the earliest opportunity before such a change occurs.
34. Providers are required to notify the Welsh Government if changes are made to any of their designated courses. Such changes include minor changes to course titles that do not have a substantial effect on the course design or structure. This information is necessary to ensure that the Welsh Government's list of designated courses is correct and the information supplied to the SLC and to students about designated courses is correct.
35. If changes are made to courses that result in significant change to:
- course content
 - mode of study

- duration
- location of course delivery
- validating body

then it is likely that the course(s) will need to be registered as a new course and may require a new designation.

36. If providers no longer wish to have designation for a particular course then they should report this as a change of circumstances and the Welsh Government will remove the course from its list of designated courses.
37. Any queries relating to changes of circumstances may be submitted to: HECourseDesignation@wales.gsi.gov.uk

Confidentiality and Freedom of Information

38. The Welsh Government is subject to the Freedom of Information Act 2000 (FOIA). This means that any information held by the Welsh Government may be caught by a FoI request and, if so, would need to be considered for disclosure. If any information relating to an application is caught by a FoI request, we will normally consult with the relevant applicant to obtain their views as to whether they have concerns with the information being placed into the public arena.
39. Notwithstanding our obligations under the FOIA, the Welsh Government will only share the information within submitted applications with those individuals and organisations which the Welsh Government considers to be necessary for the purpose of determining an application, for as long as a duty of confidence can be applied to the information. Such organisations may include, but are not limited to, the Quality Assurance Agency for Higher Education (QAA), the Student Loans Company (SLC), validating and awarding bodies, and the Higher Education Funding Council for Wales (HEFCW) and the Higher Education Funding Council for England (HEFCE).
40. Information supplied by applicants may be used to prevent and detect crimes of any nature, including fraud. We reserve the right to, or may have to, give outside organisations, including the police, other crime prevention and detection agencies, the Home Office, UK Visas and Immigration, SLC, HMRC, the Student Awards Agency for Scotland, the Northern Ireland Government,

the Department for Education ,UK Government as well as examination boards or awarding bodies, information from applications and associated records.

41. Information about providers whose courses are specifically designated by the Welsh Ministers for the purpose of student support will be made publicly available in a list of courses published by or on behalf of the Welsh Government.

Future policy changes

42. Providers may wish to note that the Welsh Ministers are considering changes to designation policy and they reserve the right to change this policy without notice or to review existing course designations. A consultation on possible changes was undertaken in 2015 and can be accessed via the following web link: <http://gov.wales/consultations/education/designation-of-higher-education-courses-at-alternative-providers/?status=closed&lang=en>

Annex A

Application for Designation of a Higher Education Course

1. NAME AND ADDRESS OF PROVIDER

Please include details of any trading names, or previous names used by the provider.

2. ADDRESS(ES) OF OTHER LOCATIONS

3. CONTRIBUTION TO THE PUBLIC GOOD

Does the provider have charitable status? YES / NO

If 'yes':

Is the provider a charity registered with the Charity Commission? If so, please provide the charity registration number.

Is the provider a charity regulated by a regulator other than the Charity Commission? If so, please provide details.

If the charity is exempt or excepted from registering with a regulator, please provide details and a copy of your governing document.

3. PUBLIC GOOD(cont.)

If 'no', you may wish to request that the Welsh Ministers consider your application and provide evidence of a significant and ongoing contribution to the public good. Please indicate here if a Statement of Contribution to the Public Good is to be considered as part of your application

Statement of Contribution to the Public Good submitted: YES / NO?

4. QUALITY

Please provide a link to the most recent report on quality at the provider by the Quality Assurance Agency for Higher Education (QAA).

If you are unable to provide a link to a report by the QAA, please explain why.

5. FINANCIAL VIABILITY

Please provide:

- the last three years of externally audited financial statements, or externally audited financial statements for each year of trading where the provider has not been trading for three years;
- financial forecasts for the current and next three years including a commentary on assumptions made in forecasts and how financial risks are managed; and
- any other information which may be relevant.

6. THE COURSE(S)

Please complete the attached Course Table for each course for which you are applying for designation.

7. VALIDATION AGREEMENT

Please provide a copy of the validation agreement for each course.

8. ADDITIONAL COURSE INFORMATION

If a qualification earns any measure of exemption from the examination requirements of a professional institution, please provide details.

If the course(s) listed in Course Table have been designated in England, Scotland or Northern Ireland, please provide details.
9. FURTHER INFORMATION
Please provide any other information you consider to be relevant to this application.
10. NAME AND POSITION
Your name:
Position in organisation:
11. SIGNATURE AND DATE
Sign:
Date:
RETURN ADDRESS
Please return this form to: HECourseDesignation@wales.gsi.gov.uk

The Welsh Ministers may request further information which may be reasonably required to assess an application.

Student Finance Wales Information Notice (SFWIN 02/2017)

EXAMPLE

Specific Designation Application (Wales): Course Table Provider: Provider A

Undergraduate courses

Course name	Qualification	Mode of Attendance	Course length (year)	Location	Validated/ Awarded by	Usual entry requirements
Bachelor of Theology	BTh	Full-time	3		University B	2 A levels
Bachelor of Theology	BTh	Part-time	6		University B	

Postgraduate courses (attracts DSA only)

Course name	Qualification	Mode of Attendance	Course length (year)	Location	Validated/ Awarded by
Master of Theology (by research)	MTh	Full-time	1		University B

