



# CYMDEITHAS DDYSGEDIG CYMRU THE LEARNED SOCIETY OF WALES

YR ACADEMI GENEDLAETHOL – YN DATHLU YSGOLHEICTOD A GWASANAETHU'R GENEDL  
THE NATIONAL ACADEMY – CELEBRATING SCHOLARSHIP AND SERVING THE NATION

## **Draft Tertiary Education and Research Bill – consultation response**

### **Summary**

The Learned Society of Wales is the national academy for arts and sciences.

Our Fellowship brings together experts from across all academic fields and beyond. We use this collective knowledge to promote research, inspire learning, and provide independent policy advice.

We appreciate the Welsh Government's wish to develop an overarching vision for post compulsory education and training. It is important that all individuals are given encouragement and opportunity to develop their talents and acquire the necessary knowledge, understanding and skills for life's journey.

Both Professor Hazelkorn and Professor Weingarten have stressed that any new tertiary education commission should be arm's length from government. We strongly agree. The autonomy of British universities is widely valued and is a key reason for the excellent reputation which the sector enjoys globally. But higher education in Wales is of course subject to legislation passed by the Senedd, and properly is accountable to its various stakeholders and to wider society for its performance, delivery and effective use of public investment.

Currently HEFCW has particular responsibilities for higher education in Wales and has certain powers which form the framework for its relations with the universities. We would not wish the relationship of the Commission to be any more intrusive than the status quo. HEFCW has obvious expertise in higher education and its funding. It will be essential for the new body to possess those same skills.

It is vital that the Commission functions to maintain the academic freedom and research independence of the higher education sector, in line with the Haldane Principle.

It is essential that un-hypothecated funding is protected, in line with the recommendations of the Reid Review; however, the proposed legislation does not offer this assurance at present. If RIW should provide any funding to organisations outside HE, the funding must come from additional resources, not from QR, but this is not protected in the draft legislation.

If QR for universities is reduced, the quality and volume of research in Wales would fall. The sector in Wales is already at a relative disadvantage, and any reduction in un-hypothecated funding would hinder ambitions to fulfil the government's strategic vision for PCET and limit the capacity to meet the challenges that Wales will face in the near future.

The Society welcomes the opportunity to respond to the Draft Bill, and have focused our submission on Civic Mission, School Sixth forms, Research and Innovation, the needs of the economy and employers, and the New Normal.

## 1. Question 1: Civic mission

The Draft Bill (Section 7(4)) defines “civic mission” to mean “action for the purpose of promoting or improving the economic, social, environmental or cultural well-being of Wales (including action that may achieve any of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.”

Do you agree the approach taken to civic mission in the Draft Bill will be useful to the Commission in discharging its functions?

- 1.1. Yes. In order to work towards fulfilling the seven well-being goals of the Wellbeing of Future Generations Act, Wales will need a diversity of graduates and research activities. Alongside STEMM subjects, the contribution of the humanities, arts and social sciences (HASS) to a prosperous economy, vibrant culture, cohesive communities and a globally-responsible nation deserve recognition. These subjects help deliver the skills on which the economy depends, and which are needed in order to realise a resilient Wales. Research and scholarship in the HASS should also be considered by Research and Innovation Wales on a basis of full parity of esteem with STEMM disciplines.
- 1.2. The PCET sector plays an important role as a driver of local economic growth. It is essential that universities and further education colleges have outward looking and ‘place-making’ roles within their localities, regions and Wales as a whole. A strong community identity will help them engage with the wider UK place strategy, and will develop the confidence to be outward looking and develop partnerships within and beyond Wales.
- 1.3. An essential element of civic mission activity is that the knowledge and understanding produced by universities are shared accessibly and widely with individuals and communities. This will necessarily involve forms of adult education, and the innovative deployment of digital technologies.
- 1.4. The universities and further education colleges in Wales have a responsibility for Welsh language, Welsh cultural matters and research and teaching on Wales itself.
- 1.5. It is important that teaching and research through the medium of Welsh across all academic disciplines are properly funded and developed and that the work of the Coleg Cymraeg Cenedlaethol is supported. The PCET sector has an important role in fulfilling the Government’s ambition to reach a million Welsh speakers by 2050.
- 1.6. It is likewise critically important that Welsh PCET institutions are expected and encouraged to safeguard and promote studies relating to Wales (Wales Studies / Astudiaethau Cymreig) in both its national and international contexts by developing teaching, research and publications across a wide spectrum of academic disciplines.

## 2. Question 5: School sixth form reorganisation proposals

The Commission will have a role in relation to maintained school sixth form reorganisation. The Draft Bill enables the Commission to direct a local authority to bring forward re-organisation proposals, or bring forward its own proposals, in limited circumstances. The limitations on what would trigger such an approach would be consulted on and included in amendments to the statutory School Organisation Code.

Do you agree that the School Standards and Organisation code is the most appropriate vehicle for setting out the systems and processes and do you have any views on what those triggers should be?

- 2.1. At present the funding and regulation of higher and further education and sixth forms work reasonably well and are clearly understood by all. We would strongly recommend an evolutionary approach which starts

with the current funding methodologies of the different components and which develops over time, steered by the Commission and the Welsh Government.

- 2.2. As stated in our response to the 2017 consultation on [A reformed post-compulsory education and training system](#), and the 2018 technical consultation on [Public Good and a Prosperous Wales – the next steps](#), we believe that the incorporation of sixth forms should not take place at the inception of the Commission. An incremental development of the organisation, allowing time to learn, is preferable.
- 2.3. The challenges faced by the Commission and the PCET sector during the early years will be significant, particularly in the post-pandemic context. The Commission should not be burdened further by the absorption of sixth forms, and the additional complication that this would bring.

### 3. Question 13: Research and Innovation

Should the Commission's functions in relation to research and innovation (Sections 95-97) be broadened beyond just registered tertiary education providers?

- 3.1. No. It is imperative that research and innovation in universities in Wales is prioritised.
- 3.2. Research and development activities within Higher Education constitute 43.5% of the total expenditure on research and development in Wales.<sup>1</sup> It is vital that this is developed further in order to sustain Wales's economic and social growth.
- 3.3. As the NESTA report [The Missing 4 Billion](#) outlines, the Welsh economy has a low R&D intensity, in both the public and private sectors. QR funding provides higher education the foundations on which the competitive, project-based funding streams from other sources depend. Concentrating investment on registered tertiary education providers constitutes the most effective means of supplementing QR funding, and improving UKRI grant capture in due course, thereby further developing Wales's research capacity and knowledge-based economy.
- 3.4. The 2018 *Review of Government Funded Research and Innovation in Wales* recommended that it was "essential that Wales has at least parity in the levels of un-hypothecated research and innovation funding compared to the rest of the UK". Furthermore, the review recommended that addressing this historic funding gap should be the priority for Welsh government, to enable the sector in Wales to increase research capacity:

"The low level of this un-hypothecated [...] has been a structural weakness in Wales for around two decades and is reflected in relatively low levels of funding secured in competitions at UK-wide and EU levels and fragile levels of business income in Welsh universities. This funding shortage can only be addressed by the Welsh Government: no other funding source is available. The degree to which this weakness is addressed will have a major influence on Welsh performance in the increasingly competitive UK-wide landscape for funding from UKRI, businesses and research charities. This recommendation has my highest priority."<sup>2</sup>
- 3.5. It is essential that un-hypothecated funding is protected, in line with the recommendations of the Reid Review; however, the proposed legislation does not offer this assurance at present. If RIW should provide any funding to organisations outside HE, the funding must come from additional resources, not from QR, but this is not protected in the draft legislation.

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<sup>1</sup> StatsWales, <https://statswales.gov.wales/Catalogue/Business-Economy-and-Labour-Market/Businesses/Research-and-Development/researchanddevelopmentexpenditureinwales-by-expendituretype-year> accessed 17 November 2020

<sup>2</sup> Review of Government Funded Research and Innovation in Wales, 2018, pg 8. <https://gov.wales/sites/default/files/publications/2019-04/review-of-government-funded-research-and-innovation-reid-review.pdf>

- 3.6. Any intention to open Wales's QR funding to organisations beyond the HE sector (as opposed to other forms of R&I funding), would deviate from the UK wide system and would place universities in Wales at a competitive disadvantage in terms of attracting the best researchers.
- 3.7. If QR for universities is reduced, the quality and volume of research in Wales would fall. The sector in Wales is already at a relative disadvantage, and any reduction in un-hypothecated funding would hinder ambitions to fulfil the government's strategic vision for PCET and limit the capacity to meet the challenges that Wales will face in the near future.
- 3.8. We note that Welsh Ministers will continue to be able to use their existing powers to fund research and innovation alongside the Commission. Greater clarity on the mechanisms for this, including the administration of EU replacement funding, would be welcome.
- 3.9. We have some reservations regarding the expectation for research activity to align to comparatively short-term priorities; the REF, for example, operates over a longer seven-year cycle. This compressed time frame may unintentionally limit the sector's capability to develop and engage with new areas of research which could lead to future discoveries. We are also concerned that there may be fields of research excellence which would have less favourable access to this funding, including the humanities and arts areas. This would impact on the understanding of, and engagement with, Wales's rich cultural heritage.
- 3.10. As we have stated previously, it is important that the Commission is developed incrementally. The research and innovation funding landscape is complex and in flux, especially with the concurrent development of the UK Government's R&D roadmap, the place strategy, the people and culture strategy, UKRI challenge funds, and the Shared Prosperity Fund.

#### **4. Question 16: The needs of the economy and employers**

The Commission has a duty to have regard to "the reasonable requirements of industry, commerce, finance, the professions and other employers regarding tertiary education and research and innovation" (Section 2(1)(b)). In your opinion, does this duty go far enough and do you think it will have a meaningful impact based on its current formulation?

- 4.1. Supporting the needs of the economy and employers is of crucial significance, especially given the Well-being of Future Generations Act's ambition of a prosperous Wales. Clearly, a key role of the Commission will be to promote a more effective innovation system within the Welsh economy, with high-trust relationships between PCET and employers at its core. The Commission may well be in a good position to achieve this; but adequate funding will also be necessary.
- 4.2. It is important to note, however, that this is not the *only* function of tertiary education and research. The latter properly serves a range of social functions that are integral to ensuring the wider health of communities, the polity and culture in Wales too. More specifically, focusing too narrowly on short-term outputs for employers has the potential to impact negatively on HASS research activity. It also risks undermining the development of fundamental research in STEMM.
- 4.3. It is vital that the Commission functions to maintain the academic freedom and research independence of the higher education sector, in line with the Haldane Principle. Consideration should be given to providing statutory recognition of this principle, as it is in other parts of the UK - that such decisions are in general best left to be made by researchers themselves. Not to do so would undermine the strategic role and authority of the Commission.

## 5. Question 20: New Normal

Do you think the pandemic causes particular issues for anything we propose in the Draft Bill?

- 5.1. Yes. Consideration should be given to whether the establishment of a new Commission is appropriate in the current unprecedented circumstances.
- 5.2. It is more important than ever to fund research in Wales properly; this includes building capacity to increase competitiveness to access UKRI funding. Research and innovation activity are critical to developing solutions to the challenges that Wales faces, and to realising the ambitions of the Well-being of Future Generations Act 2015. The work of the higher education sector is an essential component in driving the economic recovery and renewal in Wales in the post-COVID landscape.
- 5.3. Structural changes within the sector should be a secondary consideration. Given the current uncertainties within the tertiary education and research sectors in the 'new normal', it may be more appropriate to maximise the amount of funding available for research activity, in accordance with the accepted recommendations of the Reid Review. Consideration should be given to expanding the remit of the existing funding council rather than the establishment of a new Commission.

## 6. Question 21: PCET Reform

The Bill is a legislative vehicle to create a new body; the Commission for Tertiary Education and Research. Are there any additional levers that can be used to establish the cultural change needed to deliver the aims of the PCET reform agenda?

- 6.1. It is vital that the benefits of higher education, research, development and innovation are promoted more widely. A campaign to engage enthusiasm for research (in both STEM and HASS) is needed, to promote its function as a means of solving the challenges that society faces.
- 6.2. The impact agenda promulgated via the Research Excellence Framework has already had an effect on researchers, making them consider more about the economic and cultural benefits of their research. As the [Impacts of academic research from Welsh universities](#) study commissioned by the Society outlines, in REF2014, of the 273 impact case studies submitted by Welsh universities, 49% of impacts were judged as 4\* (outstanding), compared to a UK average of 44%; and a further 37% of impacts in Wales were judged as 3\* (very considerable).
- 6.3. The impact of Welsh research showed considerable interdisciplinarity, and in addition to considerable international reach, a significant number of case studies from Wales showed local impact, particularly in the sectors of policy, society, culture, heritage, and education. Local beneficiaries of research in Wales included SMEs, policymakers, the third sector, education and creative industries, and researchers employed a wide range of activities to translate the impact from their research.<sup>3</sup> More support for forming partnerships and public engagement activities would help further develop this potential.
- 6.4. Future strategic priorities will need to consider the UK Government's R&D roadmap, including the place strategy, the people and culture strategy, UKRI challenge funds and the wider levelling-up agenda.
- 6.5. It is also important that the Commission does not replicate the pattern of geographically uneven allocation of R&D investment across the UK and must ensure that the benefits of this investment can be accessed across the nation.

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<sup>3</sup> [Impacts of academic research from Welsh universities](#), pg 5-7

## **7. Question 22**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

### **7.1. Adult Education**

In clauses 85 & 86 of the Bill certain terms are deployed regarding education and training for 16-19, and for persons aged over 19. There is a distinction between these two forms of provision in that the Bill uses the term 'proper facilities' for 16-19 learners, and 'reasonable facilities' for 19+ learners. There is also reference to 'taking account of the Commission's resources' in respect to 19+ education and training which is absent from the section on 16-19 year olds. We believe that these distinctions have the potential for reductions in provision for those over 19, especially in circumstances of downward pressure on public funding for institutions. This would work against adult education and civic mission activity more widely.

### **7.2. Evaluation Research**

It is to be hoped that the Welsh Government will undertake systematic evaluation research of the structures and policies that are implemented. This evidence-based research would be invaluable to assess the work and function of the Commission, and for transmitting its successes to PCET sectors beyond Wales.