

UNISON Cymru/Wales submission to Children, Young People and Education Committee consultation on Post-legislative scrutiny of the Higher Education (Wales) Act 2015

UNISON Cymru/Wales represents roughly 22,000 members of staff across all sectors of education, with more than 3000 members in Higher and Further Education. We welcome the opportunity to contribute to the committee's inquiry on Post-legislative scrutiny of the Higher Education (Wales) Act 2015.

Our members cover a wide range of support staff positions across both Further and Higher Education and have been working on the ground in FE and HE institutions since the introduction of the Act in 2015.

We have chosen to respond to some, but not all, of the questions the Committee has asked in their consultation as some questions are more pertinent towards organisations such as HEFCW rather than the university institutions themselves.

1. Has, or is the Act, achieving its policy objectives, and if not why not?

UNISON Cymru/Wales believes that three of the primary policy objectives of the Act are being achieved, while one is yet to be obtained.

The Act does ensure robust and proportionate regulation of institutions in Wales whose courses are supported by Welsh Government backed higher education grants and loans. In addition, the Act does help safeguard the contribution to the public good made by higher education subsidised by Welsh Government. The Act has also preserved and protected the institutional autonomy and academic freedom of universities.

However, UNISON Cymru/Wales believes that the objective of maintaining a strong focus on fair access to higher education is not being achieved. There remains a lack of consistency of approach to admissions between the Welsh universities, and there is very little Wales-wide

joined-up approach in access to higher education. There is currently no incentive for universities to lower their fees, therefore preventing equal access for all to higher education. Whilst we commend the work that First Campus is doing to increase access for all in higher education, this has meant that there are very few universities who have chosen to engage in recruitment activities of this kind independently of First Campus.

2. *How well are the Act's overall arrangements working in practice, including any actions your organisation has had to take under the Act?*

As a trade union, our members have seen no major changes in the way the overall arrangements have been working in practice. Although we believe the onus in the act was not entirely on universities to change their arrangements, but a large share of the change agenda has been given to HEFCW.

3. *Are the costs of the Act, or your organisations own costs for actions taken under the Act, in-line with what Welsh Government stated they'd be?*

As above, as a trade union we feel that the costs associated with the Act are placed upon Higher Education institutions and not the trade unions. We feel it would be more applicable for those organisations to respond to this question.

4. *Has the Act achieved value for money?*

UNISON Cymru/Wales believes the Act has achieved value for money insofar as having a positive impact on post-graduate education. However, there remain wider concerns for our members and the institutions they work in. The issue of Brexit and EU student recruitment have raised major concerns, particularly with forward funding for research and development and the capacity of future budgets to continue expansion programs.

Many of our members remain concerned about the outcomes of the Augar Review currently taking place in England. Whilst we do not wish to prejudge what the outcomes of the Review

may be, UNISON Cymru/Wales feels that if the recommendations include a drop in tuition fees to £6000 a year and a streamlining degrees, then Welsh universities will have to look at funding which reflects England. Our members have concerns that, if the inconsistency of funding models that currently exist between universities in Wales continues then the financial impacts of Brexit and other contributory factors may end up leading to staff redundancies or outsourcing of support staff.

5. *Have there been any unintended or negative consequences arising from the Act?*

One of the main unintended consequences has been the funding gaps that now exist at a larger scale than there have been before. This has led to an attempt by HE institutions to monetise everything as necessary budgetary commitments including pensions and building projects are beginning to stretch existing funds. There has also been a move to adopt private sector processes such as outsourcing, which we strongly oppose as our membership does not get the same rights or democratic protections in an outsourced company than if they were being kept in-house.

There is also a trend where there is a continuing cycle of restructuring, which doesn't allow staff to settle into roles before being moved. This has led to many of our members no longer feeling that their jobs are secure. This is slowly leading to a general reduction of vital support staff who keep the university functioning disappearing either to other universities or out of the Higher Education system altogether.

6. *Are there any lessons to be learned from the Act and how it is working in practice that may be relevant to the proposed Post-compulsory Education, Training and Research Bill?*

One of the most vital lessons learnt from this process should be that there should be risk assessments made by Welsh Government and universities ahead of the changes in order to try and limit the unintended consequences as much as possible.

UNISON Cymru/Wales believes one of the best ways to achieve this is to include trade unions in discussions at a very early stage. Our membership has experience on the ground of how such bills may work and whether they may be any unintended consequences or knock-on effects that may not have occurred to the institutions themselves. There also needs to be a much finer HE/FE balance going forward, as sometimes one can be prioritised over the other.

7. *Are there any lessons to be learned from how this Act was prepared in 2014/15?*

Going forward, UNISON Cymru/Wales urges Welsh Government to recognise that there are many trade unions who represent members in different positions throughout the university. Sometimes there has been a tendency to only include one or two in decision making, but we strongly believe that Welsh Government should engage ALL unions, who should have equal input into the process, before moving forward with new Acts.

UNISON Cymru/Wales also believes that any new Act should now take into account the Future Generations Act, which did not exist in its current form during the preparation of this Act in 2014/15. Any new Higher/Further Education Acts going forward must follow the guidance of the FGA and ensure the Well-being of all staff and students is protected before law changes are made.