

## **Medr's Consultation on a new regulatory system including registration and funding conditions**

### **Regulatory Approach and Powers of Intervention**

**Question:** It is our intention is to be a proportionate and risk-based regulator to achieve the aims set out in our Strategic Plan. In relation to our proposed Regulatory Approach, to what extent do you agree that our Regulation Approach will support our ability to fulfil the aims of our Strategic Plan?

Strongly Agree

We welcome Medr's approach to regulation based on clear and ambitious principles. The approach offers a solid foundation to support the achievement of Medr's strategic goals, including the strategic priority in relation to the Welsh language.

The emphasis on outcomes and collaboration is consistent with the Welsh Language Commissioner's approach to regulation, where we have moved towards a model focused on outcomes for consumers and responsible innovation. Within this approach, we seek to strike an appropriate balance between incentivizing and enforcing compliance, recognising the value of positive approaches to promoting sustainable change alongside the need for robust action where appropriate.

Given that promoting tertiary education through the medium of Welsh is one of Medr's strategic aims, we very much welcome the intention to include a regulatory condition for the Welsh language. It will ensure that the Welsh language is a central consideration within the regulatory framework and enable Medr to achieve their strategic objective in relation to the Welsh language.

We understand that the regulatory condition for the Welsh language will be developed in due course, and that there will be further consultation on this. In this regard, we urge Medr to ensure that this work coincides closely with the development of a National Plan for the Welsh language, creating a strategic link between the regulatory system and the goals of national language policy. We are keen to understand more about how these conditions will intertwine with the national plan, as well as any further guidance issued to support providers in implementing these requirements.

We strongly welcome the intention set out in the consultation document to go beyond just enforcing regulatory requirements, by fostering close collaboration with education providers and stakeholders to achieve shared outcomes, and developing an environment where providers are encouraged to learn, grow and innovate. This approach is in line with our approach as Welsh Language Commissioner to regulation –

which is to promote compliance through support, understanding and collaboration, as well as intervention where necessary.

We also welcome the emphasis on fostering a sense of ownership among providers of their responsibilities, including responsibilities relating to the Welsh language. We believe that this approach is essential to ensure that the Welsh language is considered strategically, and an integral part of the planning and delivery of tertiary education in Wales.

In our view, this approach offers a solid basis for ensuring a sustainable increase in the use of the Welsh language in the sector, and we encourage Medr to continue to develop this approach when designing the final regulatory framework.

With regard to the strategic aims set out on page 8, it is our view that the objective relating to the Welsh language would be more robust if it specifically referred to "more Welsh medium provision of quality, and more encouragement and support to participate in Welsh medium provision". In addition, we believe that the objective should include a specific reference to creating demand for Welsh-medium education, reflecting the need to stimulate interest and increase awareness among learners and prospective learners. Such wording would better reflect the strategic ambition for the Welsh language in the tertiary education sector, and provide a clearer basis for monitoring progress in this area.

**Question:** To what extent do you agree that our Regulatory Approach will support our intention to be a proportionate and risk-based regulator?

Strongly agree

A proportionate and risk-based approach is essential to ensure that resources are effectively targeted. We welcome this approach, which also reflects our approach – where we prioritise areas that have the greatest impact on Welsh language users, and work proactively with organisations to address risks before they lead to breaches of standards.

**Question:** To what extent do you agree with the philosophy, principles and expectations set out in our Regulatory Approach?

Strongly Agree

We support the core principles of collaboration, learning, and continued progress. The emphasis on creating an environment where providers are encouraged to learn and grow reflects our co-regulatory approach, where we work with organisations to achieve shared outcomes, not just to enforce compliance.

**Question:** Could the Regulatory Approach, as set out, be applied consistently across all tertiary providers?

Partially

If no or partially, please give details of how it could be applied consistently.

While the approach is robust and suitable for most providers, there is uncertainty about the extent to which it will be consistently applicable to sixth form providers. We understand the rationale behind the proposed approach, including the fact that these providers do not fall under Medr's registration or funding conditions, and therefore are not formally part of the regulatory framework. However, further clarity on the relationship between the regulatory approach and the sixth form sector would be useful, particularly in terms of ensuring a consistent, fair and inclusive approach across the post-compulsory education sector.

**Question:** Our proposed Powers of Intervention apply to all tertiary education and training providers in Wales as it sets out the range of our intervention powers and how these may be used to address issues of non-compliance with Conditions of Registration and Conditions of Funding. The document outlines those interventions specified under The Act and other potential non-specified interventions underpinned by Medr's statutory functions. The document also applies to tertiary education and training delivered in Wales that are not regulated or funded by Medr, as it outlines some limited intervention powers in respect of quality.

To what extent do you agree that the interventions align to The Act's intentions?

Strongly Agree

We note that the proposed powers of intervention set out in Annex A of the consultation apply to all tertiary education and training providers in Wales, including those that are not regulated or funded by Medr. We welcome the clarity regarding the gradual and proportionate approach to intervention, particularly the emphasis on early dialogue and support for providers before considering formal action.

From the point of view of promoting and safeguarding the Welsh language, we welcome the fact that these powers can be used to address non-compliance with registration or funding conditions that include specific requirements relating to the Welsh language.

The ability to act in response to quality failures is also relevant, as the quality of Welsh-medium provision is a key element of learners' experience.

We also note that the document refers to the possibility of using limited intervention powers in relation to quality, even where a provider is not regulated or directly funded by Medr. We would welcome further clarification on how this could work in practice, particularly in terms of ensuring that quality Welsh-medium provision is consistently promoted across the sector.

In general, we support the principles underpinning the proposed intervention approach – symmetry, transparency, and a focus on improvement – and encourage Medr to ensure that the Welsh language is considered central to the implementation of these powers.

## **Regulatory Framework**

**Question:** Our Regulatory Approach has informed the way in which we intend to monitor compliance with the Conditions of Registration/Funding, which is explained in our proposed monitoring arrangements. Further details on monitoring is provided under each condition. More information on monitoring will be provided as part of the consultation later in 2025.

In the Statement, we have provided two potential models for our approach to engagement with those providers that we monitor – do you have any comments in relation to this?

We welcome Medr's intention to develop a proportionate, risk-based supervisory system that underpins regulatory compliance and continuous improvement across the tertiary education sector. In particular, we agree with the principle that providers are responsible for understanding and fulfilling their regulatory obligations.

From the perspective of expanding and improving Welsh-medium tertiary education, we agree that it is essential that providers adopt a proactive approach and take ownership of their responsibilities. We therefore welcome the general principles of Medr's regulatory and monitoring approach.

From a Welsh language perspective in particular, we believe that Medr's approach to monitoring compliance and engaging with providers will largely depend on the wider planning framework that will be in place. Although this framework has not yet been fully developed, Medr is committed to developing a national plan for the Welsh language and to publishing the Welsh language regulation condition in April 2026.

Acknowledging that there will be an opportunity in the future to provide more detailed comments on the above issues, it is likely that the national plan will set out a national vision for the development of Welsh-medium tertiary education, setting clear and

specific expectations on providers. The regulatory condition will complement the plan by ensuring providers plan and act strategically to support its objectives. We believe that the condition should require providers to draw up a Welsh language strategy that responds to the national plan.

We believe that such a planning framework would enable the development of clear and robust engagement and monitoring arrangements. Of the models proposed in Appendix B regarding engagement with providers, we believe that model 2 is best suited to the type of planning framework outlined above (accepting of course that one model does not need to be chosen at the expense of the other). That is, the national plan would provide a clear strategic direction for the tertiary sector, and this would provide the basis for the development of more detailed strategic plans at provider level. These plans would underpin ongoing strategic discussions, foster dialogue and collaboration, and offer more structured opportunities to monitor, report, and adapt the plans at national and provider level. We believe that this framework would also offer opportunities to share good practice and encourage collaboration among different key partners.

In the above context, we believe that the Welsh in Education Strategic Plans model is a relevant example. This is particularly true in the wake of the introduction of the Welsh Language and Education Bill, where Welsh ministers will have a duty to develop a National Framework for Welsh language Education and Learning Welsh which will sit above strategic plans at local authority level.

## **The Welsh Language**

**Question:** This consultation seeks views on the impact of all the above elements of the proposed regulatory system on the Welsh language.

Could the proposals be changed to increase positive effects, or to reduce adverse effects on opportunities for people to use Welsh:

Please provide details.

We welcome the fact that the Welsh language has been included as a condition of registration and as a condition of funding. The imposition of this regulatory condition will be a key part of ensuring that Medr fulfils its strategic duties in relation to the Welsh language.

While we are aware that there will be further consultation on the Welsh language regulation condition in the future, our response to the consultation questions regarding the regulatory framework and monitoring arrangements highlights some initial views on the nature of this condition, its relationship to the proposed national plan, and the implications of this in terms of monitoring and engagement arrangements with providers.

The important point is that the Welsh language regulation condition needs to make a clear link between the proposed national plan for the Welsh language in the tertiary sector and the implementation of this plan at provider level. As we have already stated, we believe that imposing a requirement on providers to draw up a strategy for expanding Welsh-language provision that responds to the national plan is essential in this context. We know that Medr intends to consult on the regulatory condition for the Welsh language before publishing the National Plan. We therefore believe that the condition needs to be worded carefully, ensuring that there is a clear link between the condition and the national plan. We assume that it would be possible to introduce supplementary guidance provided that following the publication of the national plan, in order to amplify these requirements.