

TERTIARY EDUCATION AND RESEARCH (WALES) ACT 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Securing and Funding Tertiary Education and Research

Further education and training

Section 97: Financial support for further education or training

310. This section sets out powers for the Welsh Ministers and the Commission to fund further education or training. (See section 144(2) to (5) for the definition of further education and training).
311. The Commission and the Welsh Ministers are able to fund any person to provide further education or training wholly or mainly in Wales and further education or training to learners ordinarily resident in Wales. Additionally they may fund any person to provide goods or services in connection with such further education or training.
312. The Welsh Ministers and the Commission are also able to provide financial support directly to learners and prospective learners who are ordinarily resident in Wales or who are undertaking or proposing to undertake further education or training in Wales. For example, such support could be to assist with transport or childcare costs or to provide incentives to address skills shortages in particular employment sectors in Wales.
313. The Welsh Ministers and the Commission may make financial support available from their resources or arrange for others to provide resources on behalf of the Welsh Ministers or the Commission, or their own resources.
314. Providers of further education who are in receipt of funding from the Commission or the Welsh Ministers may pass funds to a collaborating body. This could include funding for provision outside Wales, for example funding to support further education or training where the learner is ordinarily resident in Wales but elements of their further education or training are delivered by a collaborating organisation in England. A provider funded by the Commission who is collaborating, has collaborated or who proposes to collaborate with another organisation to deliver a particular further education course or courses needs the consent of the Commission to pass funds to the collaborating organisation. The Commission will not have a direct relationship with the collaborating organisation and therefore the provider funded by the Commission remains responsible for the funding. The same applies to funding from the Welsh Ministers under this section. Section 108 contains procedures to be followed when the Commission is deciding whether or not to give consent.
315. The Commission may not fund school sixth forms under subsection (1)(a) or (b) (or make arrangements for a local authority to provide the Commission's resources to do so). School sixth form provision will be funded by the Commission under section 101.

316. But the Commission may fund (or make arrangements for a local authority to provide the Commission's resources to fund) innovative activities in maintained schools with sixth forms. An 'innovative activity' is an activity that in the Commission's opinion will contribute to the raising of standards of tertiary education and is described in a document prepared by the Commission and approved by the Welsh Ministers.