



Tertiary Education and Research (Wales) Act 2022

2022 asc 1

PART 5

LEARNER PROTECTION, COMPLAINTS PROCEDURES AND LEARNER ENGAGEMENT

126 Learner protection plans

- (1) The Commission may give notice to a relevant tertiary education provider asking it to submit a learner protection plan to the Commission on or before the date specified in the notice.
- (2) A learner protection plan is a document setting out the relevant tertiary education provider's arrangements for—
 - (a) protecting the interests of persons undertaking a relevant course in the event of the course ceasing to be provided for any reason, and
 - (b) supporting a person who is undertaking a relevant course and who wishes to transfer to another course of tertiary education (whether that course is provided by, or on behalf of, the tertiary education provider or another person).
- (3) The Commission may approve the learner protection plan with or without modifications.
- (4) If a relevant tertiary education provider wishes to amend its approved learner protection plan, it must send a revised plan to the Commission.
- (5) The Commission may approve the revised learner protection plan with or without modifications.
- (6) The Commission must issue guidance on the preparation and revision of learner protection plans.

- (7) Before issuing guidance under subsection (6), the Commission must consult such persons as it considers appropriate.
- (8) The Commission must monitor the effectiveness of learner protection plans.
- (9) The Commission must include in its annual report (prepared under paragraph 16 of Schedule 1) the conclusions it reaches from that monitoring as to the effectiveness of learner protection plans during the financial year to which the report relates.
- (10) In this section and in section 127—
- “relevant course” (*“cwrws perthnasol”*), in relation to a relevant tertiary education provider, is—
- (a) where the provider is a registered provider, any course of tertiary education provided by it or on its behalf;
 - (b) where the provider is not a registered provider, a course of tertiary education provided by it or on its behalf which is funded by the Commission under—
 - (i) section 89(3)(a) (higher education courses specified in regulations),
 - (ii) section 97(1)(a) (further education or training), or
 - (iii) section 104(1)(a) (apprenticeships);
- “relevant tertiary education provider” (*“darparwr addysg drydyddol perthnasol”*) is—
- (a) a registered provider;
 - (b) a person other than a registered provider in receipt of financial resources provided or secured by the Commission under—
 - (i) section 89(3)(a) (higher education courses specified in regulations),
 - (ii) section 97(1)(a) (further education or training), or
 - (iii) section 104(1)(a) (apprenticeships).