



# Tertiary Education and Research (Wales) Act 2022

2022 asc 1

## PART 5

### LEARNER PROTECTION, COMPLAINTS PROCEDURES AND LEARNER ENGAGEMENT

PROSPECTIVE

#### 129 Learner Engagement Code

- (1) The Commission must prepare and publish a code (“the Learner Engagement Code”) about the involvement of persons receiving tertiary education provided by, or on behalf of, a relevant provider (“learners”) in the making of relevant decisions by the provider.
- (2) The Learner Engagement Code may include provision about the following (among other things)—
  - (a) how to ensure that the interests of learners are effectively represented in the making of relevant decisions by the relevant provider,
  - (b) how to ensure that learners have the opportunity to participate in the making of relevant decisions by the relevant provider, and
  - (c) how to ensure that learners have the opportunity to give their views to the relevant provider about the tertiary education they are receiving and on other matters that may be of concern or interest to them.
- (3) The Commission must keep the Learner Engagement Code under review and if it considers it appropriate, it must prepare and publish a revised code (and references in this section to the Learner Engagement Code include any revised code).
- (4) A provision of the Learner Engagement Code may take the form of a requirement or guidance.

*Status: This version of this provision is prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 129. (See end of Document for details)

- (5) In preparing the Learner Engagement Code or revised code, the Commission must consult with such persons as the Commission considers appropriate.
- (6) The Learner Engagement Code may make different provision for different purposes (including for different relevant providers or different descriptions of relevant provider).
- (7) The Commission must monitor compliance by relevant providers with the Learner Engagement Code.
- (8) 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 the Learner Engagement Code during the financial year to which the report relates.
- (9) In this section—
- “relevant decision” (“*penderfyniad perthnasol*”) means a decision about matters that may be of concern or interest to learners on courses which are—
- (a) provided by, or on behalf of, a registered provider,
  - (b) where provided by, or on behalf, of a tertiary education provider other than a registered provider, 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), or
  - (c) provided by the governing body of a maintained school in Wales;
- “relevant provider” (“*darparwr perthnasol*”) means—
- (a) a registered provider;
  - (b) a tertiary education provider in Wales 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);
  - (c) the governing body of a maintained school in Wales that provides education suitable to the requirements of persons over compulsory school age.

#### Commencement Information

- II** S. 129 not in force at Royal Assent, see [s. 148\(2\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 129.