

SL(5)087 – Higher Education Funding Council for Wales Financial Management Code

Background and Purpose

This [Financial Management Code](#) (“the Code”) sets out the requirements concerning the organisation and management of financial affairs to which regulated institutions must adhere. This is the first Code prepared under the [Higher Education \(Wales\) Act 2015](#) (“the 2015 Act”).

Procedure

Draft negative.

The draft negative procedure set out in section 30 of the 2015 Act provides that if the Welsh Ministers approve a draft of the Code:

- The Higher Education Council for Wales (“HEFCW”) must not publish the Code until after the period of 40 days beginning with the day on which the draft is laid before the Assembly, **but**
- if before the end of that period the Assembly resolves not to approve the draft, HEFCW must not publish it (and must submit a further draft to the Welsh Ministers for approval, and the draft negative procedure starts over again).

Scrutiny under Standing Order 21.7

The Code is not a statutory instrument so the Committee is not reporting under Standing Order 21.2 or 21.3.

The Committee is considering and reporting on the Code under:

- Standing Order 21.7(i): any subordinate legislation laid before the Assembly;
- Standing Order 21.7(v): any legislative matter of a general nature within or relating to the competence of the Assembly or the Welsh Ministers.

Reporting points

The Committee reports that the Code (which applies to higher education providers in Wales) is in English only.



Government response

Section 27 of the Higher Education (Wales) Act 2015 (the 2015 Act) requires the Higher Education Funding Council for Wales (HEFCW) to prepare and publish a code relating to the organisation and management of the financial affairs of regulated institutions. The Code must be approved by the Welsh Ministers and laid before the National Assembly for Wales before HEFCW publishes the Code.

The Code prepared under section 27 of the 2015 Act is HEFCW's and not the Welsh Ministers.

The Welsh Language Standards (No.6) regulations 2017 applies Welsh language standards to the Higher Education Funding Council for Wales. The standards came into force on 7 February 2017, and the Welsh Language Commissioner is now authorised to issue a compliance notice to the body. However, HEFCW have not yet been issued with a final compliance notice and are therefore not yet required to comply with Welsh language standards.

The Welsh Ministers have no legal basis to reject the Code submitted in English only. Furthermore, the Welsh Ministers are not obliged to lay a document created by another body bilingually.

The Code has been prepared in accordance with HEFCW's Welsh Language Policy Scheme which states that:

“Where HEFCW produces a large document in English for a specialist audience, or where HEFCW has contracted another company to produce a piece of research or a report in English, HEFCW will endeavour to make available an accompanying executive summary or introduction in Welsh”.

HEFCW intend to make an executive summary or introduction available in Welsh on its website alongside the published Code.

Committee consideration

The Committee considered the instrument at its meeting on 3 April 2017. The Committee notes the Government response, and reports to the Assembly in line with the technical reporting point above.

