



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1498 (Cy. 170)

2015 No. 1498 (W. 170)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg Uwch
(Cynlluniau Ffioedd a Mynediad)
(Cymru) 2015**

**The Higher Education (Fee and
Access Plans) (Wales) Regulations
2015**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch cynlluniau ffioedd a mynediad fel y'u diffinnir yn adran 2(2) o Ddeddf Addysg Uwch (Cymru) 2015.

These Regulations make provision about fee and access plans as defined in section 2(2) of the Higher Education (Wales) Act 2015.

Caniateir i gynlluniau ffioedd a mynediad gael eu cyflwyno i Gyngor Cyllido Addysg Uwch Cymru ("CCAUC") i'w cymeradwyo gan sefydliadau sy'n bodloni'r meini prawf h.y. eu bod yn darparu addysg uwch yng Nghymru a'u bod yn elusen. Mae cymeradwyaeth gan CCAUC i gynllun ffioedd a mynediad yn arwain at ddynodi'n awtomatig gyrsiau sefydliad at ddibenion cymorth statudol i fyfyrwyr. Mae Gweinidogion Cymru yn darparu cymorth i fyfyrwyr mewn cysylltiad â chyrsiau dynodedig o dan reoliadau a wnaed ganddynt yn rhinwedd adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998.

Fee and access plans may be submitted to the Higher Education Funding Council for Wales ("HEFCW") for approval by institutions which meet the criteria i.e. that they provide higher education in Wales and are a charity. Approval of a fee and access plan by HEFCW leads to the automatic designation of an institution's courses for the purposes of statutory student support. The Welsh Ministers provide student support in respect of designated courses under regulations made by them by virtue of section 22 of the Teaching and Higher Education Act 1998.

Mae rheoliad 3 yn darparu bod rhaid i gais am gynllun ffioedd a mynediad gynnwys gwybodaeth sy'n ymwneud â hyfywedd ariannol sefydliad, trefnu a rheoli materion ariannol y sefydliad ac ansawdd yr addysg a ddarperir gan, neu ar ran, y sefydliad.

Regulation 3 provides that an application for a fee and access plan must include information relating to an institution's financial viability, the organisation and management of its financial affairs and the quality of the education provided by, or on behalf of, the institution.

Mae rheoliadau 4 i 6 yn rhagnodi'r darpariaethau sy'n ymwneud â hybu cyfle cyfartal a hybu addysg uwch y mae rhaid i gynllun ffioedd a mynediad eu cynnwys.

Regulations 4 to 6 prescribe the provisions relating to the promotion of equality of opportunity and the promotion of higher education that a fee and access plan must include.

Mae rheoliad 7 yn pennu'r materion y mae rhaid i CCAUC eu hystyried wrth benderfynu pa un ai i gymeradwyo cynllun ffioedd a mynediad ai peidio.

Regulation 7 specifies the matters that HEFCW must take into account when deciding whether, or not, to approve a fee and access plan.

Mae rheoliad 8 yn ei gwneud yn ofynnol bod cynllun gymeradwywyd yn cael ei gyhoeddi.

Regulation 8 requires publication of an approved plan.

Mae rheoliad 9 yn darparu ar gyfer amrywio cynllun a gymeradwywyd.

Regulation 9 provides for the variation of an approved plan.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Addysg Uwch, Parc Cathays, Caerdydd, CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Cathays Park, Cardiff, CF10 3NQ.

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2015**

Gwnaed 7 Gorffennaf 2015
Yn dod i rym 31 Gorffennaf 2015

Made 7 July 2015
Coming into force 31 July 2015

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 2(4), 6(1), 7(3), 8(1) a 9(1) o Ddeddf Addysg Uwch (Cymru) 2015(1), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 2(4), 6(1), 7(3), 8(1) and 9(1) of the Higher Education (Wales) Act 2015(1), make the following Regulations.

Yn unol ag adran 55(3) o Ddeddf Addysg Uwch (Cymru) 2015, gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

In accordance with section 55(3) of the Higher Education (Wales) Act 2015 a draft of these Regulations was laid before and approved by a resolution of the National Assembly for Wales.

Enwi, cychwyn a chymhwysol

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Cymru) 2015.

(2) Daw'r Rheoliadau hyn i rym ar 31 Gorffennaf 2015 ac maent yn gymwys o ran Cymru.

Title, commencement and application

1.—(1) The title of these Regulations is the Higher Education (Fee and Access Plans) (Wales) Regulations 2015.

(2) These Regulations come into force on 31 July 2015 and apply in relation to Wales.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “cwrw cymhwysol” (“*qualifying course*”) yw cwrw a ddarperir yn gyfan gwbl neu'n bennaf yng Nghymru ac sydd wedi ei ragnodi at ddibenion adran 5(2)(b) o Ddeddf Addysg Uwch (Cymru) 2015;

ystyr “person cymhwysol” (“*qualifying person*”) yw person sy'n dod o fewn adran 5(5) o Ddeddf Addysg Uwch (Cymru) 2015.

Interpretation

2. In these Regulations—

“qualifying course” (“*cwrw cymhwysol*”) means a course wholly of (principally provided in Wales prescribed for the purposes of section 5(2)(b) of the Higher Education (Wales) Act 2015;

“qualifying person” (“*person cymhwysol*”) means a person falling within section 5(5) of the Higher Education (Wales) Act 2015.

Ceisiadau am gymeradwyaeth i gynllun ffioedd a mynediad

3. Rhaid i gais gan sefydliad am gymeradwyaeth i gynllun ffioedd a mynediad gynnwys gwybodaeth sy'n ymwneud â'r canlynol—

- (a) hyfywedd ariannol y sefydliad;
- (b) y trefniadau ar gyfer trefnu a rheoli materion ariannol y sefydliad;
- (c) ansawdd yr addysg a ddarperir gan, neu ar ran, y sefydliad.

Darpariaethau sydd i'w cynnwys mewn cynlluniau ffioedd a mynediad

4. Mae rheoliadau 5 a 6 yn rhagnodi at ddibenion adran 6(1) o Ddeddf Addysg Uwch (Cymru) 2015 y darpariaethau sy'n ymwneud â hybu cyfle cyfartal a hybu addysg uwch y mae rhaid i gynllun ffioedd a mynediad eu cynnwys.

5. Rhaid i gynllun ffioedd a mynediad—

- (a) nodi amcanion y sefydliad, a benderfynwyd gan y corff llywodraethu, sy'n ymwneud â hybu cyfle cyfartal a hybu addysg uwch;
- (b) pennu cyfran y ffioedd sy'n daladwy gan bersonau cymhwysol sy'n ymgymryd â chysiau cymhwysol y bydd y corff llywodraethu yn ei gwario ar yr amcanion ym mharagraff (a).

6. Rhaid i gynllun ffioedd a mynediad gynnwys darpariaethau sy'n ei gwneud yn ofynnol i gorff llywodraethu sefydliad—

- (a) cymryd camau i ddenu ceisiadau gan ddarpar fyfyrwyr sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol, neu sicrhau bod y camau hynny'n cael eu cymryd;
- (b) cymryd camau i gadw myfyrwyr sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol, neu sicrhau bod y camau hynny'n cael eu cymryd;
- (c) darparu cymorth ariannol i fyfyrwyr, neu sicrhau bod y cymorth hwnnw'n cael ei ddarparu;
- (d) rhoi gwybodaeth ar gael i fyfyrwyr neu ddarpar fyfyrwyr ynghylch y cymorth ariannol sydd ar gael i fyfyrwyr o unrhyw ffynhonnell, neu sicrhau bod yr wybodaeth honno'n cael ei rhoi ar gael;
- (e) hysbysu unrhyw ddarpar fyfyrwr, cyn i'r myfyrwr ymrwmo i ymgymryd â chwrs, am swm agoredig y ffioedd y bydd y sefydliad yn ei godi ar gyfer cwblhau'r cwrs, neu

Applications for approval of a fee and access plan

3. An application by an institution for approval of a fee and access plan must include information relating to—

- (a) the financial viability of the institution;
- (b) the arrangements for the organisation and management of the institution's financial affairs;
- (c) the quality of education provided by, or on behalf of, the institution.

Provisions to be included in fee and access plans

4. Regulations 5 and 6 prescribe for the purposes of section 6(1) of the Higher Education (Wales) Act 2015 the provisions relating to the promotion of equality of opportunity and the promotion of higher education that a fee and access plan must include.

5. A fee and access plan must—

- (a) set out the objectives of the institution, determined by the governing body, relating to the promotion of equality of opportunity and the promotion of higher education;
- (b) specify the proportion of fees payable by qualifying persons undertaking qualifying courses that the governing body will spend on the objectives in paragraph (a).

6. A fee and access plan must include provisions requiring the governing body of an institution to—

- (a) take, or to secure the taking of, measures to attract applications from prospective students who are members of under-represented groups;
- (b) take, or to secure the taking of, measures to retain students who are members of under-represented groups;
- (c) provide, or to secure the provision of, financial assistance to students;
- (d) make available to students or prospective students information about financial assistance available to students from any source, or to secure that such information is made available;
- (e) inform any prospective student, before the student commits to undertaking a course, of the aggregate amount of fees that the institution will charge for the completion of

sicrhau bod unrhyw ddarpar fyfyrwr yn cael ei hysbysu o'r swm hwnnw;

- (f) monitro—
 - (i) cydymffurfedd â darpariaethau'r cynllun;
a
 - (ii) y cynnydd sydd wedi ei wneud i gyflawni'r amcanion a nodir yn y cynllun.

Materion sydd i'w hystyried gan CCAUC

7. Wrth wneud unrhyw benderfyniad mewn cysylltiad â chymeradwyo neu wrthod cynllun ffioedd a mynediad rhaid i CCAUC ystyried—

- (a) yr angen i ddiogelu mynediad teg at addysg uwch;
- (b) y darpariaethau sydd wedi eu cynnwys yn y cynllun ffioedd a mynediad sy'n ymwneud â hybu cyfle cyfartal a hybu addysg uwch;
- (c) y ffioedd sy'n daladwy gan bersonau cymhwysol sy'n ymgymryd â chyrsgiau cymhwysol;
- (d) cyfran y ffioedd sy'n daladwy gan bersonau cymhwysol sy'n ymgymryd â chyrsgiau cymhwysol y bydd y corff llywodraethu yn ei gwario ar hybu cyfle cyfartal a hybu addysg uwch;
- (e) hyfywedd ariannol y sefydliad;
- (f) y trefniadau ar gyfer trefnu a rheoli materion ariannol y sefydliad;
- (g) ansawdd yr addysg a ddarperir gan, neu ar ran, y sefydliad.

Cyhoeddi cynllun ffioedd a mynediad a gymeradwywyd

8. Pan fo CCAUC wedi cymeradwyo cynllun ffioedd a mynediad, rhaid i'r corff llywodraethu ei gyhoeddi mewn dull sy'n ei wneud yn hawdd i fyfyrwyr a darpar fyfyrwyr gael gafael arno.

Amrywio cynlluniau ffioedd a mynediad

9.—(1) Caiff corff llywodraethu wneud cais i CCAUC gymeradwyo amrywiad i'r cynllun a gymeradwywyd tra bo'r cynllun a gymeradwywyd mewn grym.

(2) Dim ond os caiff ei gymeradwyo'n ysgrifenedig gan CCAUC y mae amrywiad i gynllun a gymeradwywyd i gymryd effaith.

(3) Wrth wneud unrhyw benderfyniad mewn cysylltiad â chymeradwyo neu wrthod amrywiad i'r

the course, or to secure that any prospective student is so informed;

- (f) monitor—
 - (i) compliance with the provisions of the plan; and
 - (ii) progress in achieving the objectives set out in the plan.

Matters to be taken into account by HEFCW

7. In making any determination in respect of approval or rejection of a fee and access plan HEFCW must take into account the—

- (a) need to safeguard fair access to higher education;
- (b) provisions included in the fee and access plan relating to the promotion of equality of opportunity and the promotion of higher education;
- (c) fees payable by qualifying persons undertaking qualifying courses;
- (d) proportion of fees payable by qualifying persons undertaking qualifying courses that the governing body will spend on the promotion of equality of opportunity and the promotion of higher education;
- (e) financial viability of the institution;
- (f) arrangements for the organisation and management of the institution's financial affairs;
- (g) quality of education provided by, or on behalf of, the institution.

Publication of approved fee and access plan

8. Where HEFCW has approved a fee and access plan, the governing body must publish it in a manner which makes it easily accessible to students and prospective students.

Variations of fee and access plans

9.—(1) A governing body may apply to HEFCW for approval of a variation to the approved plan whilst the approved plan is in force.

(2) A variation to an approved plan is to take effect only if approved in writing by HEFCW.

(3) In making any determination in respect of approval or rejection of a variation to the approved

cynllun a gymeradwywyd rhaid i CCAUC ystyried y materion a nodir yn rheoliad 7(a) i (d).

(4) Pan fo CCAUC wedi cymeradwyo amrywiad i gynllun a gymeradwywyd rhaid i'r corff llywodraethu gydymffurfio â rheoliad 8 fel petai, yn y rheoliad hwnnw, y gair "amrywiad" wedi ei roi yn lle "cynllun ffioedd a mynediad".

plan HEFCW must take into account the matters set out in regulation 7(a) to (d).

(4) Where HEFCW have approved a variation to an approved plan the governing body must comply with regulation 8 as if in that regulation the words "fee and access plan" were substituted by "variation".

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion
Cymru
7 Gorffennaf 2015

Minister for Education and Skills, one of the Welsh
Ministers
7 July 2015

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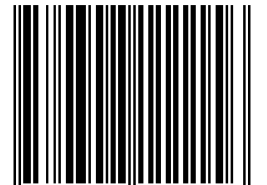
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