



Education Act 2005

2005 CHAPTER 18

PART 3 **E+W**

TRAINING THE SCHOOL WORKFORCE

Funding of teacher training by Higher Education Funding Council for Wales

85 **Qualifying activities and eligible institutions in relation to HEFCW funding** **E** **+W**

- (1) The Higher Education Funding Council for Wales (in this Part referred to as “HEFCW”) are responsible for administering funds made available to them by the Assembly and others for the purpose of providing financial support for the carrying on by eligible institutions of qualifying activities.
- (2) The activities qualifying for funding by HEFCW under this Part (“qualifying activities”) are—
 - (a) the provision of teacher training,
 - (b) the provision of facilities, and the carrying on of other activities, by eligible institutions which the governing bodies of those institutions consider it necessary or desirable to provide or carry on for the purposes of or in connection with activities within paragraph (a), and
 - (c) the provision by any person of services for the purposes of, or in connection with, such activities.
- (3) The institutions eligible for funding by HEFCW under this Part (“eligible institutions”) are—
 - (a) any institution in Wales within the higher or further education sector,
 - (b) the Open University,
 - (c) any school in Wales, and
 - (d) and other institution or body in Wales designated by order of the Assembly, and any partnership or association of eligible institutions, or body established by one or more such institutions, for the purpose of carrying on qualifying activities.

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- (4) For the purposes of subsection (3), an institution or body is in Wales if its activities are carried on, or principally carried on, in Wales.
- (5) In sections 86 to 91—
 - (a) “qualifying activities” is to be read in accordance with subsection (2);
 - (b) “eligible institution” is to be read in accordance with subsection (3).

86 Grants, loans and other payments by HEFCW E+W

- (1) HEFCW may—
 - (a) make grants, loans or other payments in respect of expenditure incurred or to be incurred by the governing body of an eligible institution for the purposes of activities qualifying for funding by HEFCW under this Part by virtue of section 85(2)(a) or (b), and
 - (b) make grants, loans or other payments in respect of expenditure incurred or to be incurred for the purposes of the provision of services as mentioned in section 85(2)(c),
 subject in each case to such terms and conditions as HEFCW think fit.
- (2) The terms and conditions on which HEFCW may make any grants, loans or other payments under this section may in particular—
 - (a) enable HEFCW to require the repayment, in whole or in part, of sums paid by HEFCW if any of the terms and conditions subject to which the sums were paid is not complied with, and
 - (b) require the payment of interest in respect of any period during which a sum due to HEFCW in accordance with any of the terms and conditions remains unpaid.
- (3) The power of HEFCW to impose conditions on the making of any grants, loans or other payments under this section to an eligible institution includes in particular power to impose conditions prohibiting, restricting or requiring the charging of fees in connection with the carrying out by that institution of qualifying activities.
- (4) Where—
 - (a) a condition is imposed under subsection (3) in connection with any grant, loan or other payment to an eligible institution, and
 - (b) the grant, loan or other payment is to any extent made in respect of persons undertaking training which is provided in whole or in part by another training provider,
 then, for the purposes of the condition, fees payable by such persons to the other training provider are to be regarded as fees charged by the eligible institution.
- (5) The terms and conditions must not relate to the application of any sums derived otherwise than from HEFCW, but this subsection does not affect the power to impose conditions by virtue of subsection (3).
- (6) In exercising their functions under this section HEFCW must have regard—
 - (a) generally, to any forecast of demand for newly-qualified teachers that is notified to them by the Assembly, and
 - (b) in relation to any particular institution, to any assessment of the quality of the teacher training provided by that institution—
 - (i) made by the Chief Inspector for Wales, or

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- (ii) to which HEFCW think it appropriate to have regard or to which the Assembly directs them to have regard.

87 Provisions supplementary to section 86 **E+W**

- (1) In exercising their functions in relation to the provision of financial support for qualifying activities, HEFCW must have regard to the desirability of not discouraging any institution for whose activities financial support is provided under this Part from maintaining or developing its funding from other sources.
- (2) Before exercising their discretion under section 86(1)(a) or (b) with respect to the terms and conditions to be imposed in relation to any grants, loans or other payments, HEFCW must consult such of the following bodies as appear to them to be appropriate to consult in the circumstances—
 - (a) such bodies representing the interests of eligible institutions as appear to HEFCW to be concerned, and
 - (b) the governing body of any particular eligible institution which appears to HEFCW to be concerned.
- (3) In exercising their functions in relation to the provision of financial support for qualifying activities HEFCW must have regard (so far as they think it relevant to do so in the light of any other relevant considerations) to the desirability of maintaining—
 - (a) what appears to them to be an appropriate balance in the support given to them as between institutions which are of a denominational character and other institutions, and
 - (b) any distinctive characteristics of any eligible institution for whose activities financial support is provided under this Part.
- (4) In exercising their functions HEFCW must take such steps as appear to them appropriate to secure that the governing body of any institution which provides a course of initial teacher training funded by HEFCW makes available such information relating to the course, in such manner and to such persons, as HEFCW may require.
- (5) Subsection (1) does not affect the power by virtue of section 86(3) to impose conditions prohibiting or restricting the charging of fees.

88 Grants to HEFCW **E+W**

- (1) The Assembly may make grants to HEFCW of such amounts and subject to such conditions as the Assembly may determine.
- (2) The terms and conditions subject to which grants are made by the Assembly to HEFCW under this section—
 - (a) may in particular impose requirements to be complied with in respect of every institution, or every institution falling within a class or description specified in the terms and conditions, being requirements to be complied with in the case of any institution to which the requirements apply before financial support of any amount or description so specified is provided by HEFCW in respect of activities carried on by the institution, but
 - (b) may not otherwise relate to the provision of financial support by HEFCW in respect of activities carried on by any particular institution or institutions.

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- (3) Such terms and conditions may not be framed by reference to criteria for the selection and appointment of staff and for the admission of students.
- (4) Such terms and conditions may in particular—
 - (a) enable the Assembly to require the repayment, in whole or in part, of sums paid by it if any of the terms and conditions subject to which the sums were paid is not complied with, and
 - (b) require the payment of interest in respect of any period during which a sum due to the Assembly in accordance with any of the terms and conditions remains unpaid.
- (5) Section 68 of the Further and Higher Education Act 1992 (c. 13) does not apply in relation to grants made to HEFCW under this section.

89 Power of HEFCW to carry out or commission research **E+W**

HEFCW may carry out or commission such research as they consider appropriate with a view to improving—

- (a) the training of teachers, or
- (b) the standards of teaching.

90 Supplementary and ancillary functions of HEFCW **E+W**

- (1) The Assembly may by order confer or impose on HEFCW such functions supplementary to their functions under this Part as the Assembly thinks fit.
- (2) For the purposes of subsection (1) a function is a supplementary function in relation to HEFCW if—
 - (a) it is exercisable for the purposes of the exercise by the Assembly of functions of the Assembly under any enactment, and
 - (b) it relates to, or to the activities of, an eligible institution.
- (3) Before making an order under subsection (1) the Assembly must carry out such consultation as appears to it to be appropriate.
- (4) HEFCW may carry out such activities ancillary to their functions under this Part as the Assembly may direct.

91 Directions by Assembly **E+W**

- (1) In exercising their functions under this Part HEFCW must comply with any directions under this section.
- (2) The Assembly may give general directions to HEFCW about the exercise of their functions.
- (3) If it appears to the Assembly that the financial affairs of an eligible institution have been or are being mismanaged the Assembly may, after consulting HEFCW and the institution, give such directions to HEFCW about the provision of financial support in respect of the activities carried on by the institution as the Assembly considers necessary or expedient by reason of the mismanagement.
- (4) Directions under this section are to be contained in an order made by the Assembly.

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