

DEBATE ON THE APPROVAL OF THE HIGHER EDUCATION ACT 2004

30 NOVEMBER 2004

DP 645/03-07

Jane Davidson AM

Minister for Education and Lifelong Learning
Gweinidog dros Addysg a Dysgu Gydol-Oes

Cardiff Bay / Bae Caerdydd
Cardiff / Caerdydd
CF99 1NA

Our Ref: SF/JD0451/04

Your Ref:

Peter Black AM
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

21st December 2004

Dear Peter,

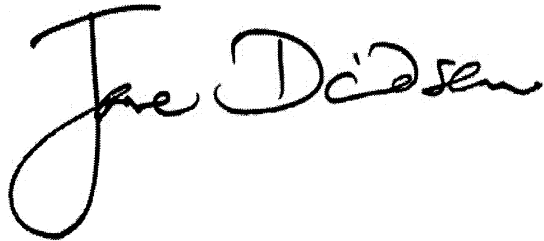
During the debate on the approval of the *Higher Education Act 2004 (Commencement No 1 and Transitional Provision)(Wales) Order* I said that I would write to you with details of the handling of cases that predated the designation of an adjudicator under the Act. Your question specifically focused on cases in institutions without a Visitor and so it is to those cases that I address my response.

The Scheme which the Office of the Independent Adjudicator has submitted for approval under the terms of the Act includes provisions relating to eligibility of cases and time limits for the submission of cases. The proposed scheme sets a three month time limit for submitting a case to the Adjudicator once the internal processes have been exhausted without the complainant being satisfied. The rules do incorporate flexibility to allow the Reviewer to extend the time limit where he/she feels there is a good reason to do so. However, it is not the intention that this provision would routinely be used to accept cases which were two or three years old. It is customary practice in the establishment of similar bodies to set a time limit for retrospective cases.

With regards to transitional arrangements, the Adjudicator would not be able to consider cases that are already being considered by the Courts, having exhausted internal procedures or which had been submitted to a Visitor before 1 January 2005. Although under its transitional rules, the Adjudicator will be able to continue to consider cases submitted under the voluntary scheme, including by the Visitor. With regards to new cases, the Adjudicator will be able to accept cases where internal procedures were exhausted on or after 1 October.

I trust that this answers your query.

Yours,

A handwritten signature in black ink that reads "Jane Davidson". The signature is written in a cursive style with a large, looping initial "J".

Jane Davidson AM
Minister for Education and Lifelong Learning