

CR8

Legislation Committee No 5

Proposed Rights of Children and Young Persons (Wales) Measure

Response from The Higher Education Funding Council for Wales (HEFCW)

The Higher Education Funding Council for Wales (HEFCW) welcomes the opportunity to respond to the consultation on the Proposed Rights of Children and Young Persons (Wales) Measure. Our May 2010 response to consultation number 082/2010 Proposals for a Rights of Children and Young Persons (Wales) Measure is also relevant to this consultation and we enclose a copy for your information.

Supplementary to our May response, we note in particular the reference in this proposed Measure at Article 28, 1. (c) to the duty on State Parties to: 'make higher education accessible to all on the basis of capacity by every appropriate means'. We note the phrase 'on the basis of capacity' and thought that rewording might provide greater clarity. We think that a clearer statement might be more appropriate to avoid any possible ambiguity as to whether 'on the basis of capacity' refers to either an individual's intellectual capacity or the resource capacity of the higher education sector. In the case of the latter, and taking into account the recent cap on student numbers and the high demand on higher education places, such a phrase might be unhelpful and/or potentially misleading.

Turning to consultation question 3 and the issue of whether it is appropriate to apply a convention agreed for the benefit of children to adults between 18 and 25 years, we recognise that, among other age groups, young people between the ages of 18 to 25 are a large component of our higher education population. From the documentation provided, we are unclear as to the basis on which the upper age limit of 25 years is proposed. A concern for us, in working with a diverse student population aged 18 years and upwards, including lifelong learners, would be that this might add a level of additional complexity to public policy, should some students be subject to this Measure and not others. However, should the National Assembly decide to extend this measure to young people up to the age of 25 years we stand ready to ensure that we take full account of any requirements placed on us and set out in the agreed Measure.

Finally, in 2009, DCELLS officials tentatively explored with HEFCW the potential for creating a Chair in Children's and Young People's Rights, funded initially by the Assembly Government. The rationale for exploring this option was that no recognised centre for excellence existed in the HE sector for children's rights. Given that the Assembly Government is strongly

committed to a rights-based approach to underpin children and young people's policy, the potential for developing academic expertise in Wales to provide a robust evidence base and ongoing research was explored. While we acknowledge the resource implications of this development, we also recognise its potential benefits and commend it to the Committee for further consideration.

Your consultation covering letter recommends that respondents take account of several points. To this end we are confirming that our response can be made public. This response is an organisational, rather than an individual response and, should it be required, we would be prepared to provide oral evidence to the Committee.

If any further information is required, please do not hesitate to contact us.

**PHILIP GUMMETT
CHIEF EXECUTIVE**