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Consolidated draft response



Department for Business, Innovation & Skills

Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice - Consultation

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The closing date for this consultation is 15/01/2016

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Please tick the box that best describes you as a respondent to this consultation.

	Alternative higher education provider (with designated courses)
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	Awarding organisation
	Business/Employer
	Central government
	Charity or social enterprise
	Further Education College
√	Higher Education Institution
	Individual (Please describe any particular relevant interest; parent, student, teaching staff etc.)
	Legal representative
	Local Government
	Professional Body
	Representative Body
	Research Council
	Trade union or staff association
	Other (please describe)

Public sector equality duty

Question 1:

What are your views on the potential equality impacts of the proposals and other plans in this consultation?

The University recognises that the proposal is still in the developmental stage and therefore there is not a detailed understanding of the potential equality impact. It was noted that at this stage there has been only a partial review of the protected characteristics with gender reassignment, parental leave, sexual orientation and religion and belief not covered.

Given the far reaching scope of the proposals we would suggest that the full range of characteristics and in particular sexual orientation and religion and belief are reviewed. This would also encourage complete inclusivity and good practice, noting that there may be discriminatory practices in institutions that impact on the experiences of students that identify as any of the above, which may detract from their learning experience.

a) Are there any equality impacts that we have not considered?

Yes No Not sure

Please provide any further relevant evidence.

Data is already being collected by a large number of institutions on sexual orientation and religion and belief, and UCAS also collect this data. This data could inform future stages of development of the TEF framework. Additionally, by encouraging mature students into education (especially with the degree apprenticeships), there may be parental leave implications in relation to flexibility of studies and arrangements (both financial and practical) for students with such caring responsibilities.

Likewise, religion and belief data is essential for universities to understand how their teaching processes and other general support services impact on different religions and other cultures, to ensure that they meet the specific duty of the Equality Act by 'Fostering good relations between people who share a 'relevant' protected characteristic and those who do not'. This protected characteristic is, additionally, an important factor for funding implications as universities and other funding agencies will need to keep abreast of demand for Sharia-compliant finance.

Consideration should also be given to demographics, for example, universities/education providers in expensive areas for accommodation may fall short of set targets for students from less advantaged backgrounds, who will be looking for the best value for money, not only for their education, but living expenses.

The proposal makes reference to reviewing the way in which an institution's provision reflects the diversity of student needs and it was not clear whether this was across the spectrum of student experience or singularly for teaching aspects.

The impact of other government decisions on this proposal should also be considered. In particular the proposed amendments to the Disabled Student Allowance are likely to have ramifications on both the student's choice of institutions and the ability of institutions to support students with disabilities.

There are a number of references to BME, both increasing student numbers (increase by 20% by 2020) and degree attainment. This links with the recent launch of the ECU Race Equality Charter Mark.

Teaching Excellence Framework (TEF) (Part A: Chapters 1-3)

Question 2: How can information from the TEF be used to better inform student and employer decision making? Please quantify these benefits as far as you can.

We do not believe that the TEF, as set out in the consultation, will add significant value for students or employers. The information on which the proposed TEF is based is already in the public domain and indeed is utilised by league table compilers to provide potential applicants with discipline level rankings of provision at different institutions. Not only do we consider that the TEF will not provide any additional useful information but it may in fact be damaging to the international reputation of our universities by implying that some institutions are of a lower quality level than others. The current QAA system ensures that institutions meet a clear set of quality expectations for UK HEIs and hence provides assurance to international markets that courses will be delivered to a high standard. We believe that more thought needs to be given to the nomenclature of “levels” and to the proposed framework of 4 levels to avoid the impression that those institutions which comply with TEF level 1 are in some way deficient.

There are a multitude of factors that inform student and employer decision-making and it is by no means clear that Teaching Quality would be a primary factor. There is an assumption that teaching is done *to* students rather than learning in partnership with students, which does not recognise the role of higher education in developing the individual. Higher education does, however, contribute to the economy and develops student skills that are subsequently brought to the workplace. This is not done, though, via teaching only. Students take advantage of all kinds of extra-curricular opportunities that allow vital workplace skills to develop.

It is assumed that a focus on research excellence in an institution automatically reduces the value of teaching, which is not necessarily the case. Excellence in research and teaching can and should co-exist within universities. University curricula should be informed by cutting edge research allowing students to engage critically with the latest research findings in their subject. Moreover, there are many examples at the University of Warwick and elsewhere of students undertaking research themselves, through undergraduate research programmes, by being engaged with leading edge academics in cognate areas of enquiry. Such programmes add considerably to students learning core and transferable skills, of benefit to society and the economy.

Graduate employers require a range of knowledge and skills which are not only derived from teaching: they do expect students to have a good degree, but they also expect them to have work experience, to have engaged in extra-curricular activities, and to be able to articulate what these experiences would enable them to bring to the workplace.

Employers' decision-making about the individuals they recruit should therefore be based on evidence gathered during their recruitment processes about the range of skills and experience acquired, and not based solely on the institution from which a student has graduated. Where degree courses are directly linked to professions these are usually accredited by Professional, Statutory and Regulatory Bodies (PSRBs) which should provide assurance to employers about the minimum level of subject knowledge and related skills achieved. The Wakeham and Shadbolt reviews are investigating employability and PSRBs in STEM subjects separately. It is not clear therefore that the TEF can inform employer decision making.

The information needs of prospective students have been investigated and, as the Green Paper notes, are subject to a consultation being undertaken by the HEFCE. The HEFCE's research has indicated that the metrics on teaching and learning provided nationally through Unistats were only used by 18% of those surveyed. We accept that it is essential to ensure that applicants have a range of reliable, factual information to hand to support their decision making. However the metrics proposed are intended to be used for both assessment of the quality of teaching and to inform prospective students. The Paper recognises that the metrics currently available are proxies for quality and it is therefore questionable what this would add to the proposals currently being put forward by HEFCE. In addition, any mechanism for making them available to prospective students must reach a greater proportion of applicants than Unistats does currently. We would hope that the outcomes of the HEFCE consultation will lead to information being made available which is more fit-for-purpose and accessible but the TEF metrics should be focused on the assessment of quality rather than aiming to fulfil two differing objectives.

Question 3: Do you agree that the ambition for TEF should be that it is open to all HE providers, all disciplines, all modes of delivery and all levels?

Yes No Not sure

Please give reasons for your answers.

- We do agree that all HE providers should be included.
- We do not agree that all types of courses or all levels should be included in the TEF.
- TEF levels should be set by the institution not by discipline

All HE Providers.

If TEF is to fulfil the objectives intended it should be open to all providers to ensure fair and consistent treatment across the sector.

Types of courses and levels

Assessing TEF levels by discipline will be highly burdensome and costly. Disciplinary assessment also does not take account of interdisciplinary courses as we indicate below. Thus assessing TEF by institution could still meet the objectives set but would provide better value for money and be less costly to the taxpayer and the sector.

That said, should the proposals be pursued at discipline and course level, we would recommend that TEF only be applied to a limited range of courses, at least initially.

Full-time and part-time Bachelors, Integrated Masters and Foundation degrees should be included but short courses and qualifications of less than 240 CATS should not.

This is because different types of courses, even at the same level, fulfil different functions and therefore definitions of excellence will be different. For instance, students on full-time undergraduate Honours degrees will have very different levels of engagement and expectations to students on part-time closed short courses at the same level. Developing measures of excellence which are fit-for-purpose across all types of provision will be challenging and may have unintended consequences if not done well. For instance, institutions with mixed provision could find that data was influenced by certain types of provision and would not therefore be representative.

Similarly there is a wide variation in the nature of postgraduate courses and the expectations and personal circumstances of students are often different to those of undergraduate students. Definitions of excellence and associated measures will therefore be different and we do not agree that postgraduate courses should be included in the TEF. More fundamentally, the quality of teaching on postgraduate courses should not determine the fees for undergraduate courses at the same institution.

Question 4: Where relevant, should an approved Access Agreement be a pre-requisite for a TEF award? What other mechanism might be used for different types of providers?

No, institutional access priorities and performance should not be coupled with the TEF. Access agreements should remain separate to the TEF award but should reinforce the importance of successful outcomes across the student lifecycle.

Question 5: Do you agree with the proposals on:

a) what would constitute a 'successful' QA review

Yes No Not sure

b) the incentives that should be open to alternative providers for the first year of the TEF

Yes No Not sure

c) the proposal to move to differentiated levels of TEF from year two?

Yes No Not sure

Please give reasons for your answer.

The use of existing QAA review outcomes is a reasonable method for determining what constitutes a 'successful' QA review. This shows that providers have met threshold expectations in terms of academic standards and learning opportunities, which is an appropriate baseline for the TEF. However it is not clear in the Green Paper what the proposed quality assurance method will be in future, given that the existing methodology is under review by HEFCE, or how this will relate to the TEF.

We do not agree with the principle that there are differentiated levels of TEF for reasons that we have indicated previously, in particular because of the potential reputational damage for UKHE in the international market. If there is to be some level of differentiation we do not agree with the framework set out but would suggest that more work needs to be undertaken to develop a simpler framework, perhaps with no more than 2 levels or 'standing'. In addition the introduction of differentiated levels of TEF in year 2 is too soon and we recommend that this be deferred. In order to implement this change, the technical consultation will need to be run and an assessment framework developed, institutions will need to apply and applications will need to be assessed, within 2016. This will be a significant undertaking and the risks of slippage are high – the consequences would then be that incentives could not be applied for 2018/19. Our recommendation would be to defer this phase of implementation for at least a year.

Question 6: Do you agree with the proposed approach to TEF assessments on

Timing?

Yes No Not sure

Assessment panels?

Yes No Not sure

and process?

Yes No Not sure

Please give reasons for your answer.

We see merits in the proposals in relation to the timing of TEF assessments and for assessment panels. We believe, however, that there is insufficient detail provided to come to a firm opinion and outline our concerns below.

As noted, undertaking the TEF at a disciplinary level will significantly increase administrative bureaucracy and associated costs and therefore the process should be as simple as possible. We believe that costs would be minimised by using a carefully selected basket of metrics backed up by a limited element of peer review.

We are concerned about the proposals that the introduction of a GPA system might be linked to assessments and the work on degree classification algorithms proposed by HEFCE. We do not believe that it would be appropriate to mandate the adoption of GPA as a component of the TEF. In common with many other institutions we already provide our graduates with a HEAR (Higher Education Achievement Report) which includes an academic transcript. We also believe that the external examiner system adds significant value and ensures that quality standards are broadly equivalent across the sector.

The proposal relating to timing is acceptable if providers can apply for assessments earlier than every five years. This would allow those who felt that they were able to move to a higher level to do so promptly; this would be particularly beneficial where an institution had been awarded a lower grading which would have a negative impact on reputation. However the body overseeing the process would need to be resourced appropriately to be able to ensure that they could administer and deliver the process given this flexibility of approach.

We agree that panels should be independent of government and that there should be a process for moderation and appeals. Panels should include academics and students to ensure that findings are credible with stakeholders. It is not possible to comment on whether judgements on individual criteria should be published without details of those criteria being available.

We agree that visits should not be required as there needs to be clear added value to the process. However there should be the option of requesting a visit which may be appropriate for some providers, though it is recognised that there will be an impact on costs.

Question 7: How can we minimise any administrative burdens on institutions? Please provide any evidence relating to the potential administrative costs and benefits to institutions of the proposals set out in this document.

We believe that the introduction of the TEF is unnecessary and will add to the administrative burden on institutions. It is not currently clear how the TEF will relate to a national quality assurance method but it appears that there will be an additional burden assuming that both systems continue in parallel.

Currently teaching and learning data is made available by JACS subject codes. The University of Warwick has NSS data available for 35 JACS Level 3 subjects and 26 at JACS Level 2 but this does not cover the full range of subjects available across all institutions. The administrative burden is therefore going to be significantly higher for disciplinary rather than institutional assessments, both for providers and for government, in covering the operational costs of the TEF.

Question 8: Do you agree with the proposed approach to differentiation and award as TEF develops over time?

Yes No Not sure

Please give reasons for your answer.

We believe that, as there are already multiple sources of data which enable stakeholders to make comparisons both between and within institutions, the TEF would not add any value. We believe that the introduction of multiple levels would create an additional bureaucracy and might damage the international reputation of HEIs that do not obtain the higher levels. We believe that the concept of 4 levels is also flawed and that the framework needs considerable further refinement if it is to be introduced.

In addition, we are concerned that a subject level classification will not reflect the level of excellence on courses that cross disciplinary boundaries. As an institution with a wide range of joint degrees covering two disciplines, and interdisciplinary degrees, we are aware that disciplinary level data is not always fit for purpose. If the proposals of the HEFCE relating to information for prospective students are intended to provide more accurate and reliable data, then this need not be duplicated through TEF.

The introduction of graded levels of teaching excellence will need to be carefully communicated to the wider public and internationally. There is a significant risk to the reputations of individual institutions and to higher education in the UK, if it is perceived that providers are not deemed 'excellent'.

Question 9: Do you agree with the proposed approach to incentives for the different types of provider?

Yes No Not sure

Please give reasons for your answer.

We agree that there should be incentives to provide an excellent educational opportunity for students and to constantly review and enhance that provision, but do not agree that this should be linked to fees charged. Currently the standard expectation of institutions and alternative providers in order to achieve a successful outcome in QAA Review is that there are deliberate measures in place to enhance learning opportunities for students. This is therefore a minimum expectation. Institutions will seek to secure their reputations and therefore the desire to progress towards excellence should be a sufficient incentive.

Question 10: Do you agree with the focus on teaching quality, learning environment, student outcomes and learning gain?

Yes No Not sure

Please give reasons for your answer.

We recognise that the proposals are at an early stage.

We agree with the focus on these areas but there are a number of elements that are not currently included in the aspects of teaching excellence, as set out in paras. 7 to 9. It should not assume that all skills development will be located in the academic curriculum; a vital aspect of a university education is that students also develop skills through extra-curricular activities offered by both universities and students' unions.

It should also be recognised that higher education should not only prepare students for employment but for contributing to the benefit of wider society as citizens. Recognition also needs to be given to the role of Universities in enabling students to develop their ability to contribute to scholarship in their chosen discipline. There needs to be greater recognition of the value offered to students by those institutions that are able to deliver truly research informed and engaged teaching.

The section on learning environment does not currently include the range of resources available to support students in their learning, including: library and virtual learning environments; student support arrangements; support for innovation in teaching and learning; and skills development.

Different students and different disciplines, need different approaches and environments to flourish. Specialist institutions, either in terms of discipline, size or approach, offer a different experience from larger scale, comprehensive and research intensive universities. We are in favour of continued diversity in the sector, and hence we feel that it is important that the TEF metrics highlight and promote distinctiveness alongside excellence.

It is not possible to comment on the detail of the proposals as it is unclear how the aspects of teaching excellence will be measured until the technical consultation is undertaken in 2016.

Question 11: Do you agree with the proposed approach to the evidence used to make TEF assessments - common metrics derived from the national databases supported by evidence from the provider?

Yes No Not sure

Please give reasons for your answer.

We recognise that the proposals are at an early stage.

We agree with the proposed approach to have common metrics for all institutions and are strongly supportive of the opportunity to offer institutional evidence, but have some concerns about the detail of the implementation, particularly given that little information will be available until the technical consultation is undertaken in 2016.

We agree with the metrics it is proposed be used initially, on the basis that these are the most suitable available at the moment, however it must be recognised that these are not direct measures of quality. In addition we are concerned at how the benchmarking is undertaken; this will need to be robust and allow for the significant diversity of institutions within the sector. Careful consideration will need to be given to the development of further metrics to ensure that there are no unintended consequences which are detrimental to the quality of provision. For instance, the suggestion that the proportion of staff on permanent contracts be used as a metric may discourage providers from making appropriate use of subject specialists or experts from business and industry for specific topics.

It is proposed that the extent to which students are recruited from a diversity of backgrounds be used as a potential element of the institutional evidence. We have noted elsewhere in our response that we are strongly supportive of the principle that diversity of student recruitment be improved. However we do not believe that the TEF should be linked to widening participation as this is not a measure of quality and is already linked to fees charged through Access Agreements.

There are measures proposed which are not yet clearly defined and therefore it is not possible to comment in detail on how appropriate they would be as a measure of quality. Student commitment and teaching intensity are two examples.

In our view, six months is inadequate as a timeframe to assess careers for leavers. Use of longer term data, perhaps through linkages to HMRC earnings data would provide a more robust measure of student success.

Social mobility and widening participation (Part A: Chapter 4)

Question 12:

- a) Do you agree with the proposals to further improve access and success for students from disadvantaged backgrounds and black and minority ethnic (BME) backgrounds?

Yes No Not sure

Please give reasons for your answer.

Whilst the University welcomes in principle the focus on widening participation and social mobility, we take issue with some of the proposals to improve access as set out in the green paper. The approach to an holistic category of BME belies the diversity of the outcomes that are encompassed within the term Black and Minority Ethnic.

No data is presented to underpin the explicit targets set out in the paper and it is not at all clear that these are achievable, particularly given the forecast decline in the number of school leavers over the medium term. We do not believe that simply strengthening the powers of the Office of Students to enforce new targets for institutions will work. For example, the emphasis in the paper on improving access for students from BME backgrounds requires a more focussed definition, perhaps by identifying sub-populations with the BME category on which there might be a strategic focus.

The green paper lacks clarity regarding the definition of 'disadvantage': simply using POLAR as a single measure might not provide a sufficiently robust metric, e.g. POLAR is not a good measure in London. Most universities use 'baskets' of metrics, both in terms of their access targets but also to target schools. This approach provides a more robust measure of deprivation. The terms 'disadvantage' and 'under-represented' groups are used interchangeably in the paper. Clarity would be welcomed to understand which groups are deemed a priority, taking in to consideration Q12, c.

There is a danger in the proposals that the metrics chosen will devalue much of the outreach work conducted by universities. Russell Group universities invest significant funds to improve access and student success at a sector level. This has led to improved outcomes in recent years, however for a multitude of reasons, students from disadvantaged backgrounds don't always progress to these universities. Evidence suggests that disadvantaged students do however progress to HE, therefore the contributions to widen participation through longer term outreach interventions or collaborative activity are effective, though not always reflected in enrolment numbers at RG universities.

For example, significant pre-16 interventions, which improve aspiration and attainment, and which enable students to make informed decisions through the provision of advice and guidance, do not always result in significant enrolment of WP students at the university carrying out the work.

We welcome the development of the "Takaful" product as a means of providing a Sharia-compliant alternative to traditional loans.

b) Do you agree that the Office for Students should have the power to set targets where providers are failing to make progress?

Yes

No

Not sure

Please give reasons for your answer.

We believe that the current dialogue-driven approach, in which targets are agreed through a constructive engagement with OFFA, has been effective. The current mechanism facilitates an appreciation of institutional context and priorities in the context of the national priorities set by OFFA. We do not believe that it is appropriate for the proposed OfS to interfere with institutional autonomy regarding admissions decisions by setting “quotas” for particular groups of student. We believe that, whilst all institutions have a part to play in WP and outreach, targets must reflect differing institutional contexts.

c) What other groups or measures should the Government consider?

Increasing social mobility needs to be a shared responsibility. There needs to be a nationally coordinated and appropriately resourced strategy (that includes and informs the work that universities undertake), to ensure that consistently high quality information, advice and support about education and career choices is available to all students through all stages of their education.

There should be greater consideration for mature and part time entrants in the proposals, given the decline in entrants from these groups and following the announcement in the CSR of the availability of loans for part time students.

There is no recognition in the paper of the challenges faced by ‘disadvantaged’ and under-represented groups in progression to postgraduate study, despite the recent experience of the pilot Postgraduate Support Scheme. We believe that progression to postgraduate study for under-represented groups should also be considered given the considerable career premium that can attach to gaining postgraduate qualifications.

Further emphasis could be placed on other ‘under-represented’ groups in HE, in particular gender imbalances for some STEMM disciplines.

Question 13:

a) What potential benefits for decision and policy making in relation to improving access might arise from additional data being available?

The challenges outlined in the green paper present an opportunity to strengthen the evidence base to improve widening participation outcomes and for universities, funding bodies and government, to get a more informed picture of the efforts and investments being directed in this area. The need for secure individualised student data is paramount to improve evaluation efforts and to understand an institution’s contribution to sector widening participation, in addition to their individual access outcomes.

There has been a strong steer from OFFA and HEFCE to increase and strengthen collaborative efforts to widen participation; therefore universities need access to shared data to measure the effectiveness of their interventions through tracking students. There is a risk inherent in these proposals that by linking TEF (and fees) and access together, the opportunity for collaboration will be reduced as institutions will become more concerned with their individual performance targets.

Adoption of more consistent data definitions and systems across government departments would enhance analysis and student tracking, for example the DfE definition of 'disadvantage' may differ from that adopted by BIS/OfS. The opportunity should be taken to come to a common data lexicon, to connect datasets and to facilitate access to appropriate and accessible data, in order to ensure that efforts to improve outcomes are aligned across all education sectors. Changes to HESA WP performance indicators and the introduction of Unique Learner Numbers would improve this. The HEDIIP programme might provide a model for how this data improvement might be achieved.

We believe that greater use could be made of information held by UCAS if its data sets were released for WP tracking and other purposes. Data used to be provided seamlessly to HESA's Higher Education Information Database (HEIDI) to which all HEIs had access. UCAS has decided to cease making data available via HEIDI, citing data protection legislation as the reason. This is unconvincing since the data protection legislation has not changed. Instead UCAS is now making data available on a commercial basis via its EXACT and SROBE services.

- b) What additional administrative burdens might this place on organisations? If additional costs are expected to be associated with this, please quantify them.

The University recognises the need to improve access to administrative data to drive greater sector efficiency and to promote a richer understanding of the evidence base for widening participation activities across the student lifecycle. The flow of data via the National Pupil Database (NPD), UCAS, HESA and DLHE at individual level would allow policy and practice to be informed by detailed research into which activities have the greatest impact on student outcomes. Such an approach would also allow comparison with outcomes for non-participants (via control groups) from similar backgrounds.

The University has subscribed to the Higher Education Tracker (HEAT) Service which provides a cost-effective collaborative evaluation and monitoring service, including student tracking. At present UCAS are the only data owner to restrict access to student data, hence making the tracking process using partial NPD/HESA data more time-consuming, complex and costly than need be the case. The research expertise required to combine datasets together to better understand widening access and success outcomes is also a significant factor in institutional evaluation work. UCAS currently charge for the use of their STROBE service in the region of £5-8 per learner record, which when engaging with hundreds of applicants makes the service prohibitively expensive. Without a detailed technical overview of any proposed improvements to access to data it's difficult to fully quantify these additional costs.

Opening up the sector to new providers (Part B: Chapter 1)

Question 14: Do you agree with the proposed single route into the higher education sector?

Yes

No

Not sure

Please give reasons for your answer, including information quantifying how the potential cost of entry would change as a result of these proposals.

We are concerned that the proposed mechanism will be less rigorous than the current mechanism and that it will not create a level playing field, as the proposal claims.

The Paper states that the proposals will “represent a very significant step towards truly competitive provision for higher education in England”. However this is not the case. The market consists of both for-profit and not-for-profit providers who therefore have very different goals and methods of operating and will not be competing on a comparable basis.

Universities usually offer a broad range of disciplines, some of which will not be profitable, particularly in STEMM subjects. Given the required capital infrastructure investment of such high cost subjects, it is highly unlikely that for-profit alternative providers will offer courses in such disciplines. Universities are able to take advantage of their size and scale to subsidise the delivery of such subjects, including through optimising related research and teaching infrastructure.

Many of these disciplines are precisely those which are valuable to the skills development of the UK population, including those in strategically important and vulnerable subjects (SIVS) which the government is keen to support. It is unlikely that the market will be opened up to competition for these economically critical subjects: indeed, by making it easier for alternative providers to enter the market, thereby creating greater competition in the market for profitable courses, the risks to the financial stability of comprehensive universities offering a full range of disciplines will be increased.

Further, we believe that students derive huge benefit from study in a multi-disciplinary university setting; there is a danger that the UK university brand may be damaged if the market is flooded with small specialist institutions using the university designation.

The Paper also recognises that not all providers will be able to continue to operate under the new regime and proposes measures to assure the protection of students in these cases. However, any failure may damage the reputation of the UK’s higher education system which is highly valuable to the country’s economy. It should be noted that the majority of failing QAA judgements relate to provision offered in or validated by private providers.

Question 15:

a) Do you agree with the proposed risk-based approach to eligibility for degree awarding powers (DAPs) and university title?

Yes

No

Not sure

Please give reasons for your answer.

We welcome diversity in the higher education sector which recognises the differing needs of students. However the ability to award degrees and the title of university should not be granted lightly and only where there is strong evidence that a provider is able to maintain appropriate academic standards and to be accountable for those standards and the quality of the educational experience of students. Once degree awarding powers (DAPs) and the title of university are granted it will be very difficult to retract these as it would be highly damaging, not only for the provider involved, but also for its students and alumni, and for the UK Higher Education sector. It would be far preferable to mitigate risks prior to granting these privileges rather than enhancing the measures for dealing with problems once DAPS have been granted.

We are also concerned at the proposed increase in flexibility of the use of the university title. There must be some definition of what constitutes a university beyond the ability to award degrees and we would strongly urge that this be given further consideration before proposals are implemented.

We have a specific concern that in the approach identified for providers with a limited evidence base in para. 13, that there is no mention of that evidence base including academic standards. This must be essential to the granting of DAPs and the title of university.

We also have concerns at the proposals that research degree awarding powers (RSAPs) will follow a similar process. The ability to appropriately supervise and award research degrees is very different to that of awarding taught degrees. It is essential that students are able to become part of a research community and have access to appropriate research training; any providers wishing to apply for RDAPs must be able to evidence that they are able to support students appropriately.

We are supportive of the move to a single body overseeing the process of granting DAPs.

- b) What are your views on the options identified for validation of courses delivered by providers who do not hold DAPs?

The move to establish a central validating body would provide a more consistent approach to validation of providers without DAPs. However the options set out in para. 24 do not make it clear where accountability lies for the quality assurance of delivery and assessment. This would be essential in any mechanism that is put in place.

Further, the proposals should recognise that validation arrangements can be mutually beneficial relationships between providers, building on complementary academic expertise.

Question 16: Do you agree with the proposed immediate actions intended to speed up entry?

Yes

No

Not sure

Please give reasons for your answer.

As noted in our response to question 15, we welcome diversity in the higher education sector but, once Specific Course Designation is granted, as with DAPs, it will not be straightforward to retract this. Should there be problems with the quality and standards of provision, there will inevitably be an impact on students, despite measures being put in place to protect them. We would therefore strongly encourage Government to implement measures to mitigate risks prior to Specific Course Designation being granted.

We agree that alternative providers (APs) could apply for designation at any point through the year which will speed up the process without risk. The Higher Education Review (HER) process could run in parallel with the designation process, but the latter could not be granted until the successful outcome of the former is confirmed.

With respect to financial checks, we believe that the track record should remain at three years. While a guarantee of student protection could be put in place with a reduced timescale, this would not, in reality, protect students completely and it would be preferable to be able to assess the risks in advance.

We agree that multi-year designation is appropriate where providers are well-established and have a good track record. This would reduce the administrative burden of the process and provide greater stability for the APs.

Provider exit and student protection (Part B: Chapter 2)

Question 17: Do you agree with the proposal to introduce a requirement for all providers to have contingency arrangements to support students in the event that their course cannot be completed?

Yes No Not sure

Please give reasons for your answer, including evidence on the costs and benefits associated with having a contingency plan in place? Please quantify these costs where possible.

We would expect all institutions to put in place contingency measures to support students should they not be able to continue to offer courses in a particular area or if they were to close completely. However we are concerned that there is no reflection on how the reputation of the UK Higher Education sector as a whole would be maintained in such circumstances.

With respect specifically to students, the primary objective in such a situation would be to enable students to continue to finish the degree for which they have registered. Options in para. 8 should therefore include teaching out the courses rather than assuming closure would be instant. This is referenced later in para. 11.

It is not realistic for many universities to come to collaborative or bilateral agreements for transfer of students. The identification of transfers would depend very much on the curriculum for each course, the point a student had reached in their studies, the capacity of other institutions to take additional students and the preferences of students themselves. Should all institutions be required to put in place contingency plans these could not be specific given the range of variables to be considered, particularly for larger universities.

The Paper references the possibility of institutions taking out insurance or a bond against such eventualities. This will inevitably be costly and will divert funds from investment in the student experience when the risks of closure may actually be very low for established providers.

Simplifying the higher education architecture (Part C)

Question 18:

a) Do you agree with the proposed changes to the higher education architecture?

Yes No Not sure

Please give reasons for your answer.

We believe that the proposed establishment of the Office for Students (OfS) is flawed. The proposed changes will not provide a coherent regulatory architecture that recognises the value of institutional autonomy, and that is capable of overseeing the breadth of the UKHE offering, which is of such value to students, and to the UK economy (see our response to question 19).

Nor do we believe that the proposals will achieve the aim of promoting the student interest. It is not clear how students will be engaged with the OfS: we feel that it is important that students do have a role in the new body and processes. It is very important that institutions continue to engage locally with the student interest.

We do not support the separation of oversight of research and teaching for the reasons set out in our response to question 19.

The HEFCE Memorandum of Assurance and Accountability sets out the benefit of its current position, which “... enables [HEFCE] to act as a broker between universities, colleges and the Government ensuring the appropriate institutional freedom for teaching, research and knowledge exchange” (HEFCE 2014/12). We do not believe that the government should oversee directly the funding of HE.

We are supportive of HEFCE’s role as articulated: the HEFCE has a good understanding of the sector and provides a valuable buffer between government and providers. The HEFCE Memorandum of Assurance and Accountability clearly articulates roles and responsibilities.

In our view HESA, UCAS, QAA and HEA should maintain a degree of separation from the overarching regulatory body. Such organisations need to remain impartial to matters of policy.

b) To what extent should the Office for Students (OfS) have the power to contract out its functions to separate bodies?

Fully Partially Not at all

We do not agree that the various functions that serve institutions and support the assurance process should be subsumed within an overarching regulatory body. We query whether the constitution form of sector owned bodies may preclude them from being absorbed. In our view HESA, UCAS, QAA and HEA should remain outwith the OfS.

However, we are supportive of changes that will enhance efficiency and reduce duplication. Whilst supporting the retention of an appropriate degree of separation, we would wish to see elimination of unnecessary layers of organisational structure in order to maximise any cost and efficiency benefits that are available, and therefore we would support greater integration of the various support services. We would not expect to fund the OfS in addition to those separate sub-organisations such as HESA.

We would expect to see significant reduction in the duplication of communication and reporting that providers currently experience.

c) If you agree, which functions should the OfS be able to contract out?

N/A - we don't agree that these functions should be subsumed within the OfS.

d) What are your views on the proposed options for allocating Teaching Grant?

Option 1: BIS Ministers set strategic priorities and BIS officials determine formula.

Agree Disagree Not sure

Option 2: BIS Minister sets strategic priorities and allocation responsibilities divested to OfS

Agree Disagree Not sure

Please give reasons for your answer,

We believe that the current model in which ministers are responsible for establishing the policy framework and strategic priorities for higher education, whilst the HEFCE (OfS) is responsible for allocating resources is preferable. We believe that this works because the OfS (or HEFCE in the current model) will have a deeper operational understanding of how the sector operates and hence how funding levers might most effectively be applied to achieve policy outcomes. This mechanism also serves to protect institutional autonomy from direct ministerial intervention, which is an important constitutional safeguard.

Question 19: Do you agree with the proposal for a single, transparent and light touch regulatory framework for every higher education provider?

Yes No Not sure

Please give reasons for your answer, including how the proposed framework would change the burden on providers. Please quantify the benefits and/or costs where possible.

We do support the establishment of a single, transparent and light touch regulatory framework for every higher education provider, in order to minimise the cost and effort burden caused by the lack of coherence in the current structure, however we do not believe that the proposed establishment of the OfS will achieve this aim, as it will not have sight of the entire mission of Higher Education institutions.

We believe strongly that there is great strength in the diversity of provision of UKHE at present. The UK has a well-established international reputation, and a global impact, as an innovator and as a provider of excellent higher education. The proposed separation of the strategy, funding and regulation of UK research from student learning risks a profound division of holistic oversight, protection and enhancement of those research led higher education institutions that contribute significantly to the UK economy.

We would want to be assured that the regulatory framework will be appropriate to the risk environment in which HE operates. New providers would need to be able to demonstrate that they warrant light touch assurance.

We remain unclear about the interface between QAA and TEF. We would want to be assured as to the clear separation of purpose, to be assured that there is no duplication or process, and that the added value of the TEF outweighs the additional cost and burden.

Question 20: What steps could be taken to increase the transparency of student unions and strengthen unions' accountability to their student members?

Our University continues to enjoy a healthy and productive partnership with our students' union. Student Officers are democratically elected and steps have been taken by the SU to encourage engagement in elections and in votes on policy matters using on line systems to facilitate participation of the wider student body in SU democratic processes. The Students' Union is not a trade union and its focus is on providing facilities and services for students, as well as representing their interests both locally and at a national level.

As a registered charity the SU is overseen by the Charities Commission and sabbatical officers are charity trustees, they are hence accountable to the public and to their members for the use of funds through the preparation and submission of annual accounts. We do not believe that any further steps need to be taken to enhance the accountability and transparency of our Students' Union.

Question 21:

a) Do you agree with the proposed duties and powers of the Office for Students?

Yes

No

Not sure

Please give reasons for your answer.

It is difficult to envisage how the OfS could effectively discharge the proposed duty to assure the financial sustainability, management and good governance of institutions, without having the knowledge and strategic oversight of the full breadth of the role and contribution of universities (please see our response to question 20). The proposed separation of consideration of research and teaching funding and regulation is a fundamental concern.

It is not clear what would happen to the HEFCE's role as Principal Regulator of those UK HEI's that are charitable bodies.

We do not believe that the government should oversee directly the funding of HE (please see our response to question 18a).

In our view HESA, UCAS, QAA and HEA should remain outwith the Office for Students (please see our response to question 18).

b) Do you agree with the proposed subscription funding model?

Yes No Not sure

Please give reasons for your answer.

We recognise that the subscription model proposed is common to other non-ministerial government departments with a regulatory remit, however we would not expect to pay more than the total sums already expended in subscription fees for the current model.

We would want to be assured that the governance of the OfS would enable appropriately independent challenge on the strategic, operational and cost effectiveness of the Office. We would want to see accountability to students and providers as part of that governance structure.

The cost of the OfS could be considerable, taking into account the range of powers and duties proposed.

It is difficult to justify why lower risk, more established institutions (which will often have higher student numbers) should fund the cost of assessing, monitoring, and potentially protecting students in the event of a failure of a new or higher risk entrants to the market. If potential providers were to be of such small scale that paying a subscription fee would be a barrier to entry, this should be an indicator of that provider's ability to sustain an appropriate student experience with sufficient longevity to be in the interests of students.

Therefore we do not support the proposal for protections to ensure that the subscription model is based on student numbers, to prevent it forming a barrier to entry.

Rather, our view is that the subscription fee should reflect the assessed risk level (and hence cost to the OfS) of the provider. Well-established providers, particularly those of larger scale, already fund structured internal governance mechanisms that meet the requirements of their particular corporate form and regulatory environment.

We are opposed to an increase in cost overall in comparison to the current total subscriptions levied on Higher Education Institutions by such bodies as HESA, HEA, OIA, QAA and UCAS. Any such increase would call into question both benefit to students, and the achievement of the stated aim of reducing regulatory burden on institutions.

Question 22:

a) Do you agree with the proposed powers for OfS and the Secretary of State to manage risk?

Yes No Not sure

Please give reasons for your answer.

We support the establishment of statutory powers that are fit for purpose in the current environment, with appropriate safeguards, to promote and maintain high standards across the sector. In our view a successor to the HEFCE should have appropriate legislative powers, but we do not support the proposed allocation of such powers to the OfS as currently iterated.

We believe that the duty of the Secretary of State to respect the institutional autonomy of providers and academic freedom of staff is an essential safeguard.

b) What safeguards for providers should be considered to limit the use of such powers?

The failure of a provider would have significant implications for current students and graduates of that provider, and any increase in the volatility of the UK provision may be detrimental to the reputation of UKHEI globally. A market where regulatory intervention would be expected would be damaging reputationally, both institutionally and nationally. Rather than focus on the powers to remedy adverse outcomes, our view is that it would be better to manage the risk of institutional failure by maintaining appropriate barriers and timescales for entry into the sector.

It is difficult to provide an informed answer to this question on the basis of the information provided in the consultation. Further explanation would be required in relation to the terms shown in italics: the proposed power to enable BIS or a *specified partner organisation* to enter and inspect, if there has been a suspected breach or the conditions of receipt of (*direct or indirect*) public funding. The proposed power would be applied using a *risk-based approach*, and would be limited to *specific circumstances*. It is not entirely clear what the implications of "*deregistration*" would be, as "*registration*" is not defined in the consultation document.

Depending upon the interpretation of the italicised words, the power could be more or less useful and appropriate to protect the interests of students and other stakeholders.

We endorse the continued use of the constructive and proportionate engagement mechanisms as set out in Annex B of the HEFCE Memorandum of Assurance and Accountability.

Question 23: Do you agree with the proposed deregulatory measures?

Yes No Not sure

Please give reasons for your answer, including how the proposals would change the burden on providers. Please quantify the benefits and/or costs where possible.

We do agree with the principle of reducing the regulatory burden on HEIs that wish to reform their governing instruments. In particular, the proposals to simplify the role of the Privy Council in approving changes to governing documents would be welcome.

We do not support the proposal that responsibility for protecting the public interest should transfer to the proposed OfS. Public interest extends beyond the interests of students as one of the primary stakeholders in HE.

Whilst universities do provide benefit to society in the most general terms, the “right” of the public at large to have an interest in the ongoing contribution of universities to the wider public good is unclear, given the diminishing contribution of the public purse to the sustainability of UKHEIs. Institutions are accountable to their stakeholders, both in terms of “direct customers” and in the widest sense. The diversity of UKHEIs is reflected both in the increasing diversity of corporate form, and the range and influence of stakeholders to each institution. We would support an approach that gives institutions the autonomy to reflect their own particular model and stakeholder interests within their governing instruments and structures.

We would be supportive of levelling the playing field in terms of regulatory burden, with particular reference to the increasing cost of freedom of information requests. We do recognise our responsibility to our primary stakeholders in terms of appropriate transparency, however in our view universities should not remain within the scope of the Freedom of Information Act.

Reducing complexity and bureaucracy in research funding (Part D)

Question 24: In light of the proposed changes to the institutional framework for higher education, and the forthcoming Nurse Review, what are your views on the future design of the institutional research landscape?

The Autumn Statement (November 2015) confirmed the Government’s intention to implement in full the recommendations of the Nurse Review. Our response to the Green Paper in Questions 24 and 25 is therefore made within this context.

With reference to the establishment of Research UK (RUK) we welcome the recognition by Nurse that the Haldane Principle should be reflected throughout the new RUK governance arrangements. This would ensure that investment decisions are made on the basis of high quality peer review and are not unduly influenced by political considerations. Embedding a strong element of dialogue with the scientific community when setting future strategies is essential, and will ensure that research investment leads to high impact and supports growth in UK productivity.

Whilst we recognise that there will be changes in national priorities for research, it is important that government does not dictate redistribution of research funds between individual research councils on an unpredictable basis, which could destabilise research. Furthermore, it is essential that discovery research can prosper in areas chosen by researchers, rather than in wholly managed programmes.

Discovery, translational, and applied research are all part of a healthy research landscape and do not always operate in a linear fashion. The individual Research Councils, in partnership with the scientific community, are best placed to decide the appropriate split on a discipline basis. The potential shift of Innovate UK into RUK could provide useful synergies for research to progress more seamlessly within the translational pathway. However, Innovate UK and RCUK also have a necessary distinctiveness, in terms of the type of research that they support and their research partners. These should be recognised, and the Innovate UK budget protected as both an essential component of the research funding landscape and an important contributor towards UK competitiveness.

More details are required as regards the Science & Innovation Audits (BIS) and Nurse's recommendation for an RUK-led mapping of capability and investment. These could create an opportunity to re-balance investment into science across the regions, but, in creating this additional layer of competition between localities, it is important that funding decisions continue to be made on the basis of scientific excellence in accordance with Haldane principles.

We remain concerned about the proposed split in regulatory oversight. It is not clear where the principal regulatory oversight will reside.

Question 25:

- a) What safeguards would you want to see in place in the event that dual funding was operated within a single organisation?

The establishment of RUK and the related changes to HEFCE suggest that QR and responsive mode funding may in the future reside within one organisation. In such an eventuality, the dual funding mode should be protected through legislation, such that the constitution and governance of the new RUK specifically precludes any cross-subsidy between QR and responsive funding.

- b) Would you favour a degree of hypothecation to ensure that dual funding streams, along with their distinctive characteristics, could not be changed by that organisation?

Yes No Not sure

Please give reasons for your answer

The opportunity to develop a stronger link between the Research Councils and Government, via RUK, is welcomed and recognises the critical nature of science to the UK's economic and social well-being. However, the strength of UK science is rooted in the dual funding model and the principles of Haldane, and both should be protected.

Presently, QR is allocated by HEFCE to English universities whereas RCUK grants are available throughout the UK. Bringing the two under one body (RUK) creates the potential issue of English QR being cut to support UK RCUK, having a significant and detrimental effect on the English science base.

The enshrining of the dual funding model within legislation is therefore essential.

Question 26: What are the benefits of the REF to a) your institution and b) to the wider sector? How can we ensure they are preserved?

The REF and the RAEs that preceded it have fostered a culture of institutions striving for research excellence. The REF has improved research quality and the UK's global competitiveness. The results provide a means of validating and benchmarking subjects' research performance across a series of different assessment elements. The UK's assessment methodology has been emulated around the world.

The REF has been an effective method for distributing quality related research infrastructure funding, ensuring that resource is concentrated in institutions with the greatest volume of excellent research, whilst recognising focussed areas of excellence across the sector.

Question 27: How would you suggest the burden of REF exercises is reduced?

The Wilsden Review has made clear that metrics are not well developed or mature enough to replace peer review based assessment. Whilst we strongly advocate the retention of peer review, as it is the most appropriate method of assessing and validating research quality, we do believe there are ways to reduce the current burden of the Framework.

By far the most burdensome and costly part of the Framework is the process of review and selection of staff. It is also worth noting this is the most divisive part of the exercise. We would advocate that all eligible staff at institutions be submitted for assessment. This would necessitate careful and precise definition of staff eligibility.

We believe the burden could be reduced further by giving consideration to varying the outputs submission requirements by discipline. Currently 4 outputs are required (unless staff have special circumstance or are early career). Output productivity rates vary enormously across disciplines and it seems illogical to have a one size fits all assessment model.

Question 28: How could the data infrastructure underpinning research information management be improved?

We believe there is a greater role for HESA to play in coordinating data that would be used in future REF assessments. HESA should be the single source of staff data for assessments. Collections of data, for example, datasets held by the Research Councils and other major funding agencies, should be shared with HESA to create a unified asset.

Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

We welcome the opportunity to respond to the green paper. We appreciate that the consultation has been undertaken at an early stage, and there is therefore much further detail to emerge. Nevertheless, the scope and detail of the document has been challenging to respond to succinctly, and therefore we provide a summary narrative of the key themes that have emerged during our internal consultation on the green paper.

The consultation is underpinned by an assertion that there is a need for greater external intervention in order to drive up teaching quality, and by an assumption that NSS results equate to teaching quality. We don't believe that these are necessarily the case. Different students and different disciplines need different approaches to succeed, and success can mean different things to different stakeholders.

1. Sustaining and promoting Excellence and Diversity in the Sector

- We welcome the Department's vision to recognise the pivotal role of students at the heart of higher education, whilst ensuring that the contribution of UKHE is in tune with the needs of UK industry. Warwick, in particular, has developed a successful model that is valued by students, employers and industry.
- UKHE currently offers a breadth of provision that provides a diversity of learning opportunities for students. This strength needs to be protected and enhanced.
- UKHE contributes to the economy both in the provision of highly skilled employees, but also through innovation, and as an export in its own right. Legislation and policy must be developed with due regard to the wide contribution of universities to students, employers, and not just to the economy but to society more broadly.
- We believe that stakeholders are already able to access a wide range of information regarding the quality of teaching and learning in universities. Applicants use league tables which are compiled using many of the same metrics that the TEF would utilise to compare courses and institutions, and we do not believe that the proposed TEF would add any value for stakeholders, whilst it would certainly impose significant additional costs and bureaucracy.

- We consider that governance, regulation and quality assurance measures, from proposals to open up the market, to consideration of appropriate TEF metrics, must respect and promote diversity and autonomy in the sector, whilst sustaining and enhancing the UK's reputation as a provider of the highest quality research and learning.
- We are committed to enhancing teaching quality assurance. We believe that it is important that the metrics that are intended to achieve consistency and transparency of quality "standards" do not inadvertently drive "standardisation", and hence the loss of diversity in the sector.
- We believe that the proposed approach to TEF threatens the current diversity of the sector. Quality metrics should take account of the value of the broad student experience offered by the comprehensive university. Graduate skills are not only developed through teaching.
- We caution against the creation of false markets: experience in other sectors has shown that "consumer" behaviour is difficult to influence and determine through government policy.

2. Protecting and enhancing research informed teaching and future research capacity

- We are extremely concerned about the separation of consideration of research and teaching that is evident in the consultation document. Research informed teaching is valuable to the UK economy: students who are learning at the forefront of knowledge development are offered the dual opportunity to learn both discipline-specific and more general intellectual skills that promote and enable the innovation that underpins the UK's economic impact. Warwick University operates as a learning community where teaching is informed by research and where students are often active participants in research projects.
- The strength of demand for places in research intensive universities, including from overseas students, provides clear evidence of the value that the "market" places on research informed teaching.

3. Opening up the market and addressing regulatory burden

- We welcome competition as a driver of diversity and excellence, however we urge caution about the potential consequences of reducing barriers to entry:
 - We do not want to see greater risk to students, graduates and the global reputation of UKHE, through any measures that may increase the anticipated rate of failure of providers. We believe that prevention is significantly preferable to the adverse impact of any institutional failure on current and past students, as well as on the financial and reputational stability of the sector;
 - We believe that any reduction in the barriers to entry to new providers will increase the risk of variability in student experience. The difference in student experience beyond course content would need to be made very clear to potential students;

- We are concerned that new entrants to the market will not seek to offer the more challenging STEMM subjects. If “high volume, low cost” providers flood the market for non-STEMM subjects, there will be a greater requirement for government subsidy to enable the continued delivery of STEMM subjects.
- Regulatory oversight needs to be consolidated, but it needs to reflect the breadth and strength of the UKHE offering, and it needs to continue to accommodate institutional autonomy, respecting the evident strength of the co-regulatory model.
- We are supportive of a reduction in regulatory burden, however this should not incur any increased cost to individual institutions or the sector as a whole in either financial or reputational terms.
- We believe that the proposed approach to TEF, and the separation of the regulation of research and teaching, carry a significant risk of an increase in bureaucracy and duplication, particularly for research intensive universities. Linking TEF to fees, particularly at discipline level, would lead to greater complexity in the management of student fees. Likewise, measures to simplify REF would be welcomed.
- The absence of explicit student representation in the revised regulatory framework is notable, however we, in common with many other established providers, remain committed to involving students at all levels of our institutional governance, and to maintaining our constructive relationship with our Students’ Union.
- Whilst we support fully the principals of transparency and accountability, institutionally we have no concerns about the governance of our Students’ Union, and remain unclear as to the purpose of this element of the consultation.
- We fully support the continued promotion of widening participation and fair access. We would argue that many institutions have embedded these aims in their own strategies and are demonstrably achieving these aims whilst retaining their own distinctive offering. We do not however think these aims are best achieved by further regulation.

Thank you for your views on this consultation.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

BIS/15/623/RF