



## Department for Business, Innovation & Skills

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

You can reply to this consultation online at:

<https://bisgovuk.citizenspace.com/he/fulfilling-our-potential>

A copy of this response form is available at:

<https://www.gov.uk/government/consultations/higher-education-teaching-excellence-social-mobility-and-student-choice>

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

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

Name: Corony Edwards, on behalf of HEDG

Organisation (if applicable): Head of Educational Development Group

Address:

Woburn House

20-24 Tavistock Square

London WC1H 9HF

United Kingdom

Email Address: [joseph.callanan@hedg.ac.uk](mailto:joseph.callanan@hedg.ac.uk); c.j.edwards@exeter.ac.uk

Please return completed forms to:

Alison Haines

Higher Education Directorate

Department for Business, Innovation and Skills

Level 1, 2 St Paul's Place

125 Norfolk Street

Sheffield

S1 2FJ

email: [consultation.he@bis.gsi.gov.uk](mailto:consultation.he@bis.gsi.gov.uk)

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

	Alternative higher education provider (with designated courses)
	Alternative higher education provider (no designated courses)
	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
<b>X</b>	Representative Body
	Research Council
	Trade union or staff association
	This response has been compiled on behalf of HEDG, with active input from a number of members, and endorsement from the membership of the HEDG JISCMail list members (>100), most of whom occupy senior positions in education development directorates in UK HEIs.

## Public sector equality duty

Question 1:

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

It is proper that the Green Paper recognises the importance of equality, which has been and continues to be a critical aspect of our own and other HEIs' missions. We are therefore pleased to see that improving social mobility for students from disadvantaged backgrounds or with protected characteristics is a core value running throughout the paper, and continues to be a concern of government to ensure equality of attainment. We would be worried that any potential decrease in funding to Disabled Students Allowance and Student Opportunity funding, coupled with rising fees, may negatively impact upon retention and wider student engagement for some students. There are also some concerns that linking the TEF to fees may reduce the ability of institutions to resource or enhance supporting mechanisms needed for student success frameworks and support flexibility. These may include personal tutoring, non-medical help, technology enhanced learning, etc. It would be crucial to capture and monitor student participation and progress in the broadest way to ensure this vision, and institutional commitments that follow, can be met. The preliminary consideration of the potential equality impacts set out in Annex A must therefore be followed by a more thorough risk evaluation and ongoing monitoring. In particular, more work is needed on the potential impact on students from lower-socio-economic groups ('disadvantaged groups') rather than the narrower focus on 'protected groups', as indicated in paragraph 19 of Annex A.

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

Yes

No

Not sure

Please provide any further relevant evidence.

The decline in numbers of mature and part-time HE students, including distance learners (almost certainly a result of increases in fees) has been mirrored by a decrease in the number of courses offered in part-time modes of delivery. Undergraduate students from disadvantaged backgrounds who may choose to start with another (partner) provider and enter university as direct entrants in year 2 or 3 may be particularly affected by the lack of access opportunities offered due to diminishing resources or lack of flexible arrangements, as already reflected in the falling numbers able to access foundation year programmes, for example. Although we welcome the drive to increase productivity and develop skills in partnership with industry, for example, through Higher Apprenticeships, part-time students in this category are comparatively few in number and less likely to be affected by changes in funding. We are pleased that the Autumn Comprehensive Spending Review has recognised the decline in postgraduate study and extended student loans to the over 30s, though greater flexibility in when and how these loans can be taken may be needed. As the TEF and its link to fee regimes develops, we hope to see further mitigating policies that will encourage and support students from under-represented and disadvantaged backgrounds.

## 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.

Understandably students and their parents now select programmes on the basis of employment prospects as well as subject interest, though this raises fundamental questions about the nature and purpose of higher education. Over recent years, universities have made strenuous efforts to improve the alignment of non-vocational UG/PG programmes with employment outcomes. Faculty understands the importance of developing employability skills and attributes throughout their studies, while appreciating that a tertiary education is much more than simply 'training for employment'. Professional courses are already designed and taught to meet statutory and regulatory standards and confer a license to practice. Some are sandwich courses whilst others require assessed work placements. However complex a task, there is still much that can and should be done to improve understanding of these links at discipline and course level, through, for example, working closely with industry, refining and publishing learning outcomes, assessment criteria and course information that explicitly relate to employment, and redesigning curricula, in partnership with

students, to include more enquiry, team, situated and work-based learning. Universities already understand the links between funding by students and implementing those things within their control that enhance the student experience and improve students' life-chances. Therefore appropriate data that would most likely inform the TEF would exist through enhancement activity and itself be informed by local and institutional context. The TEF has the potential to collect additional data but the complexity of appropriate information requires research to understand how enhancement activity may be measured and evaluated, and used to assist current and prospective students and their parents in making informed choices.

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.

Depending on the robustness and credibility of the TEF, and the interpretation of level, the effect of a TEF may well invigorate teaching and encourage all HE providers, all disciplines, all modes of delivery and all levels to aim for teaching excellence. So in principle, yes, TEF should be open to all HE providers, but it may also lead to a reluctance for an HEI to take risks and innovate QE or QA to ensure stability against its TEF level. Innovation and enhancement are the lifeblood of higher education, so ensuring that the TEF doesn't lead to unforeseen consequences would require staged development and rigorous monitoring.

We applaud the initiative to enhance the quality of teaching and see that this could create the necessary incentives for universities to devote as much attention to the quality of teaching as fee-paying students and prospective employers have a right to expect, as well as re-balancing teaching and research. However, we are concerned whether an assessment-driven TEF linked to raised fees for institutions able to demonstrate teaching 'excellence' is actually the best way to improve teaching in either established institutions or with new providers. Firstly, 'teaching excellence' is a contested term that may not be dependent on either inputs or outputs - you can have excellent teaching that doesn't teach the right thing, or poor teaching that gets excellent results. In one sense, we all know excellent teaching when we see it. It is unpredictable, unrepeatably, sometimes unobservable with long term unforeseen consequences. It is multidimensional. At a basic level it requires planning, preparation, expert delivery, risk-taking, excellent communication, a desire to ensure participation of all learners through the development of positive relationships through the creation of an environment that is highly conducive to learning. This may imply it is down to the individual teacher alone. However excellence is developed and supported through the culture of a programme team, the teaching methodology, the curriculum design, and the ethos of the department (Gibbs, 2012:4), all supported by a highly resourced institution-wide technical and social eco-structure, in an environment (physical or virtual) that is conducive to learning both inside and beyond the 'classroom'. Attempts to measure 'teaching' as a narrowly defined activity will result in poor indicators of learning gain, which results largely from students' independent, self-directed effort. Assessment of the *process* of teaching and the environment and culture in which it takes place must therefore also form a part of the TEF.

Moreover, there are significant differences between learning gain within disciplines. It is relatively easy to identify research excellence as publications and citations are concrete components. Boiling teaching down to a small set of metrics may result in only measuring what can be measured rather than what is important. We need to reward the right behaviours and identify the mechanisms to enable these. The metrics chosen will inevitably stand as proxies: for example, such data as graduate employment six months after graduation would say something about the position of specific groups of students in the market (with all of the attendant impact of league table position, discrimination against BME graduates, etc.), but little or nothing about the excellence of any teaching they might have received. Without reference to the characteristics of students at entry, it will also not make evident the impact of any teaching received, the value added and the journey successfully undertaken by some groups of students. Where metrics are used, they must be contextualized with the discipline or subject and mission-specific, adjusted for characteristics of

location and the socio-economic characteristics of students, including POLAR 3, ethnicity, disciplinary mix, etc. The use of metrics should be complemented by self-assessment and peer review to ensure accountability. The OIA Access Agreement and QAA HER (without the current tick box approach and with more emphasis on enhancement) may be useful models to follow.

Secondly, the TEF doesn't take account of excellent learning, which is active, requires time on task, and is characterised by high levels of student expectation and engagement. This is very difficult to operationalize into excellent teaching. The TEF will need to consider the amount of student work that is self-managed and which takes place in the student's own time on-line and in virtual spaces. There is a significant danger that using the wrong metrics (such as class contact time) will drive established and new providers in unpredictable and undesirable ways, resulting in graduates who are even less well prepared for the world of work.

Thirdly, institutions are generally honest about their strengths and weaknesses and have highly developed systems of quality assurance and quality enhancement in place. The UK has an exceptionally high reputation for its provision of higher education that is derived from this. The language of a Teaching Excellence Framework must endorse the importance of learning and enhancement.

Lastly, the four proposed bands are currently insufficiently differentiated and the expectation is that all providers would rush to achieve the highest level. Multiple fee levels may be possible but only achieved through subject or courses rather than whole institutions. Above all, we would wish to see a TEF that is designed in such a way as to be consistent with the principles put forward in the consultation document, and its commitment to co-regulation, proportionality and awareness of differential institutional contexts, and with due regard paid to student engagement and partnership. We value the additional opportunity of a technical consultation on the metrics that will be developed.

**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?**

We fully recognise the value of Access Agreements in encouraging institutions to work with under-represented groups and support them throughout their study. We believe they should remain a pre-requisite for a TEF award, and would welcome the development of additional powers of the Director of Fair Access to boost activity.

**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.

- a) Higher Education Reviews (HER) and Institutional Reviews for England and Northern Ireland (IRENI) should both count as successful reviews for TEF level 1 as these represent a benchmarking against standards with elements of peer review.
- b) Incentives should be open to alternative providers with specific designation or their own DAPs, and further education colleges with significant provision at level 6. We would appreciate some clarity on what the implications would be for those institutions with extensive collaborative partnerships and franchise arrangements, and whether the TEF outcome for a franchise partner (UK or overseas) would be likely to discourage continuation of arrangements.
- c) It is difficult to provide a clear answer as there is little information given about what each level describes. We are concerned that the levels will translate into “Good” and “Bad” and have a negative impact on international recruitment to the UK in general. Currently international success is spread across the sector and our home students benefit from international students.

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.

The proposed timetable for implementation is overly ambitious and we should learn from the development of the REF that had a three-year experimentation period, which allowed for sophisticated and expert analysis of the metrics deployed. Expert panels are well established in the quality review for higher education and constitute an important aspect of reflection and development. Regarding the proposed timing for the cyclical reviews, five-yearly intervals with the option for institutions to apply for higher levels sooner (after 3 years) seem appropriate.

We agree that panels, appropriately representing diverse views with deep knowledge of the diversity of institution, should be independent from Government and there should be a clear process for appeal. The inclusion of the key stakeholder groups proposed is welcomed, and will, we believe, foster the development of a common understanding between these groups as to what constitutes excellent teaching at tertiary level.

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.

Since the publication of the 2011 White Paper and the greater role of a market in higher education, institutions have been keen to develop practices that enhance the student experience, improve learning gain and modernise curricula to produce more employable graduates. A sector-wide focus that drives collaborative effort between providers could build upon existing internal efforts by institutions in developing appropriate metrics and internal systems to ensure accountability. The development of new tools and processes for understanding what works would, amongst other benefits, produce cost efficiencies, and the design of the criteria and assessment process for the TEF should be developed with this in

mind. Those disciplines that already have to meet standards and deliver curricula set by Professional and Statutory Regulatory Bodies (PSRBs) will have much to offer to this endeavour.

The relationship and timing of the related processes for QA review (or its replacement) and TEF offer the greatest potential for directly minimising administrative burden, and in this respect, the logical development would be to merge the two processes entirely.

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.

See 5C. We agree that TEF levels should be made at discipline or subject level if they are to make sense to students, parents and employers. Aggregation of these to produce an institutional score may have the unintended effect of producing 'cliff edges' and encouraging game-playing to ensure an institution reaches a particular level, especially if linked to fees. Any approach to differentiation should allow institutions to play to their strengths but encourage the wider view of excellence that includes breadth, rather than a narrow focus on specific metrics that may be manipulated.

We note that while the proposals for the TEF include a small number of discreet categories, the government will encourage greater use of the GPA system to complement degree classifications for students. We remain unconvinced that use of a GPA will inform employers more effectively, and believe that a more effective strategy would be to encourage employers to engage more with existing information provided in the academic transcript (and HEAR for those who have adopted this) which gives a much more granular, rather than averaged, account of student choice and achievement.

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.

It is important to fairly balance available funding between all HE providers to ensure a level playing field and create healthy competition by exploring mechanisms that encourage providers to reach for, and maintain the higher TEF awards without locking down fees to the benefit of a small number of existing providers.

We agree that any mechanism that allows universities to raise fees should be linked to the improvement of standards. The reality of managing rising real costs to meet students' expectations with low inflation is proving very challenging for many institutions. Where there are few providers in a geographical area, students may be forced for economic reasons to live at home and attend their local university. If that university is unable to raise fees, the quality would inevitably fall with diminishing resources, resulting in erosion of standards and fewer real opportunities for some students. It therefore seems sensible to expect all providers to achieve Level 1 and tie CPI to level 2 to promote stretch beyond the baseline.

Again, the choice of metrics and how these might be differentially weighted for different types of providers will be critical. For providers that attract larger proportions of students from disadvantaged and BME backgrounds, measures of learning gain are arguably better indicators of teaching quality

than employment destinations, and unless the metrics are used sensitively, some providers could be unfairly penalised.

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.

Notwithstanding the concerns previously identified in our response to Q3, these aspects look reasonable at face value. We welcome the proposed technical consultation that will provide further information as to what constitutes their measurement. Learning gain has proven to be difficult to measure and we look forward to the results of the current HEFCE funded pilots that will inform this. We think it would be helpful to identify in the 'teaching quality' section, measures for learning design that incorporate research-enriched teaching, partnerships with students as well as metrics on staff who are appropriately qualified. The absence of any explicit consideration of teaching qualifications in the proposals seems extraordinary, and this omission cannot simply be an oversight. We look forward to participating in discussions with BIS on the merits of encouraging HEIs to better prepare and qualify their staff to teach.

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.

The consultation paper recognises that the existing metrics used are not direct measures of quality and learning gain but do provide some useful data that enables universities to publish information and make enhancements to diverse areas such as feedback and assessment and employment outcomes. The current review of information about learning and teaching, and the student experience has identified the HE information landscape as cluttered and has made useful proposals to streamline and improve the publication of more meaningful and authoritative data that would be useful to help students, parents and employers make informed choices. This includes the nature of the questions that will constitute the revised NSS.

Assessment should be balanced between easily gathered, common metrics that take account of the student demographic and institutional self-assessment that recognises strengths and weaknesses over time, and drives the enhancement of provision. The technical consultation should consider how the weightings between these may work and the role these data may play within the institutional narrative. To demonstrate the impact of teaching, the value added and the journey successfully undertaken, we support the use of metrics based on inputs such as tariff entry (POLAR 3, ethnicity, disciplinary mix) and outputs such as graduate outcomes. However the current DHLE 6-month recording period is a blunt instrument that does not sufficiently take into account the employment trajectory of students who adopt a more entrepreneurial pathway or students choosing self-employment particularly those developing careers in creative industries. Simply replacing DLHE with salary information could introduce a different set of distortions, where graduate professions with relatively low salaries (nursing, teaching) may be considered inferior to some others, eg in the finance sector. Graduates in non-traditional pathways should be carefully considered in relation to DLHE (or alternative measure) time frames.

Assessment should use evidence of accredited provision by Professional and Statutory Regulatory Bodies (PSRBs) where available to help determine excellence. Accredited programmes are monitored externally to ensure high standards that meet the demands of professional practice.

Metrics used to determine areas such as teaching qualifications, pedagogical approaches, and teaching intensity must be contextualised through institutional self-evaluation to avoid unpredictable outcomes such as employing staff with particular types of expertise and experience, or encouraging one type of teaching methodology at the expense of others. For example, there is evidence that a flipped classroom approach improves learning outcomes for some students but only in some types of institution and in certain sizes of group.

## 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.

The proposal to widen participation, improve access, retention and attainment are far-reaching and welcome. It recognises the existing and new role that universities can and should play in driving social mobility for disadvantaged groups through more joined up approaches overseen by the Office for Students and the Director of Fair Access. We also welcome the extension of tuition fee loans for part-time, postgraduate and 19-23 year olds at levels 3 and 4, and 19+ year olds at levels 5 and 6 in the autumn.

Many providers deeply value WP and this principle sits at the heart of the institutional missions of these providers, often at the expense of position in the rankings tables. This position comes with considerable costs to resource WP including out-reach activity, an emphasis on personal tutoring and pastoral care, mental health support, support for employment, etc. The additional costs impact on other areas that may enhance the student experience or the teaching and research infrastructure, and which subsequently impact unfavourably on position the league tables. Conversely, those providers where students from protected groups and disadvantaged backgrounds are under-represented, and which may focus on league table positions driven primarily by research performance, should be encouraged to do more to improve access and ensure that the necessary support mechanisms are in place for WP students.

Care should be taken in allocating the remaining student opportunity funding to ensure that universities that already have a high spend on WP related activity are not disadvantaged through the diversion of funds to other providers who are entering this territory. A high proportion of students from disadvantaged backgrounds combine work, caring responsibilities and study, or resist non Sharia compliant loans to finance study, making it more difficult to participate in wider network development or to take advantage of extra-curricular activity, which are all important factors for gaining immediate graduate employment. However students who succeed, despite the odds, prove to be resilient and productive over the longer term, and are highly valued by employers. To help them to develop throughout their UG/PG journey, factors such as flexible programme design supported by an effective technology enhanced learning infrastructure are critical to success, and information about this will help them to make effective choices about providers. The use of data and metrics should take a longer term view of employment, reflecting graduate resilience and productivity in support of effective interventions that may be shared across the sector. These are likely to be highly contextualized and local, depending on the type of university and their mission.

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 strongly agree that there should be targets for providers failing to widen participation and these should be set by OfS in consultation with the Director of Fair Access to ensure that the targets are achievable, fair and proportionate.

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

Particular consideration should be taken with regard to prior educational routes taken by WP students and the resource required to support retention through the first year of UG study, as well as a greater emphasis given to supporting part-time and mature students.

Question 13:

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

Additional data should enable providers to identify and understand successful interventions (cost-benefit and impact) as well as areas that require intervention. In time, a more sophisticated understanding of the relationships between types of provision or intervention and student success should allow both institutional and national policy to be developed accordingly. The matter of staff qualifications for teaching and the level of impact these have on the student experience is a good example of an area in which improved data and understanding are likely to influence future policy.

Big data should be used carefully, however. It is highly discipline specific and can lead to unhelpful behaviours and gaming. Measures must be considered in the light of an institution's offer, locale and particular demographic to avoid encouraging blanket behaviours leading to responses that inadvertently disadvantage the very groups most needing support.

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

There may well be an agency role (Jisc / QAA / OfS / HEA) to collect data that can support institutions so that additional administrative costs can be shared across the sector through subscriptions. Big data and analytics are becoming part of the HE landscape so institutions are either already resourcing activity around this or preparing to. To maximise the information we can gain, such data must be shared nationally, through the creation of a national database, for example.

## 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.

Stimulating competition by allowing new entrants into the sector is a likely driver of innovation and may increase student choice assuming information is robust, reliable and coherent. Streamlining the procedures and reducing timescales are likely to encourage new providers and enable them to better manage the processes for entry, establish DAPs more quickly and thus recoup costs. However, established providers are concerned about the potential damage to the reputation of UK HE of a few unscrupulous providers looking to access student loans without providing the quality that the sector has painstakingly established over many years. Some qualifications currently sit outside the QAA regulatory umbrella so there is an opportunity to bring all level 4 – 8 qualifications into line and provide a level playing field for all.

#### 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.

There is a considerable danger to the reputation of UK HE if (a) the 'university' title becomes diluted to the extent that it loses meaning (b) it becomes too easy for any provider to apply thus encouraging a rush of applications that might produce a bottleneck with implications for assuring quality and (c) removing university title status would impact upon well-established institutions, especially international recruitment, where institutional names may be geographically based and (d) there is a lack of clarity of the role for the OfS and its safeguarding procedures. It is of the utmost importance to maintain rigour in any changes to the existing process and maintain a watching brief on reviewing new entrants to ensure the quality kitemark is not eroded for all.

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

We would support option 3 - Government approval and endorsement of existing bodies with DAPs to operate as central validating bodies. If organisations, comprising diverse missions and different types, were to collaborate, they would bring substantial experience and expertise that is required to examine whether prerequisites have been met and assure the quality of new degrees. The emphasis on competition, diversity and innovation would be helpful in informing degree validation more generally. We do not support the other options. The first option may lead to a possible conflict of interest or the development of such a wide role for the OfS that they may then find it difficult to carry out their main regulatory duties. The second option would lack credibility as non-teaching bodies have no experience of validation or the impact of decisions and recommendations that may be impossible to implement.

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.

The three proposals put forward are sensible innovations to the process and would be likely to assure a quality process. In proposal 3, further clarity on how HER assessment operates with the transfer of responsibility from the QAA to OfS and TEF would be required. Proposal 2 proposes a greater role for the validating partner during a designated probationary period where the partner would be required to carry out in-year monitoring and quality assurance. This may place a further burden on already stretched resources and partners may choose to withdraw altogether or shift the

resource required onto the new provider. The proposal to manage SNCs over time for new providers appears appropriate as it is linked to strong performance and record of success which would uphold reputation. Exploring links to the TEF in time would probably level the playing field. The importance of ensuring the reputation of the sector and the protection of students cannot be overstated.

## 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.

It is right that students should be protected in the event of a provider exit or course closure. HE students are already legally protected against unfair contracts and by the laws prohibiting unfair commercial practices, overseen by the Competition and Markets Authority (CMA). We recognise that further work is needed to avoid disadvantaging students by preventing significant last minute changes to programmes. Financial penalties including negative TEF scores would help universities to make better decisions in the students' interests. Providers should have their own contingency plans and agreements in place as a precursor to TEF awards, overseen by OfS in the first instance.

We do not believe that it would be helpful at this stage to force universities to pay into a scheme to protect 'at risk' providers, although once there is greater stability in the sector with TEF arrangements, this may be revisited. If the principle of bailing out those failing institutions is an important feature of the new HE landscape, it may be more appropriate to place responsibility on the OfS who regulate new entrants. It is not clear what benefit to providers any partnership arrangements would bring. If there are clear APL processes in place, it should not be an issue for students to transfer courses. This practice is already increasing whereby students are choosing to start their study in one institution and complete in another. We would be happy to see the OfS develop its powers to direct successful providers to intervene early where provision was seen to be failing, so long as there were some incentives to do so for individual institutions.

## 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.

It makes sense to review the HE architecture to support the proposed regulatory framework and provide value for money for students and the taxpayer. The title obscures the broad remit that takes into account teaching and (co) regulation and, given the push to support new entrants into the market, could usefully be renamed as Office for Universities (OfU). This may also overcome the urban dictionary term that has quickly replaced this with the name 'OfStud' and head off the accompanying negative connotations of heavy handed inspection and interference that was so clearly seen in staff responses to the summer Quality Review.

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

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

There is no reason to think that the model adopted by HEFCE for contracting out would not work equally well for the OfS, so long as there is overall accountability. Any of the functions could be contracted out, subject to government oversight and in consultation with HE providers.

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,

Option 2 would allow for closer consultation with the sector and achieve greater ownership. Whilst we recognise the need for government to implement its duties and promises, we would be concerned to maintain a healthy balance of powers and suggest that boundaries between the sector and political expediencies characterised in Option 1 may be crossed leading to unpredictable outcomes. There is an assumption that determination of the allocation will be through the application of a formula. This may need to be rethought to enable OfS (or BIS, if option 1 is preferred) to fund particular initiatives.

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 agree that there should be a single transparent and light touch regulatory framework for every higher education provider so long as it is able to support the necessary scope of an increasingly diverse sector. Without further information about the TEF it is difficult to see what additional resources might be required, although current requests for data and information place an ever increasingly large burden on already overstretched academics and administrators.

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

We would not envisage any changes needed to the law on students' unions or to make any changes in their accountability at this stage. It is proper that students' union members, whose fees ultimately pay for their activity, should be able to direct priorities and influence decisions. At the same time student unions should understand how a positive partnership with the institution can create synergy and add mutual value to both. From previous experiences of working with them in developing teaching and learning enhancements, we know that students unions are in a prime position to identify areas of provision requiring attention areas as well as acting as a mediator to explain and communicate any difficulties in implementing changes. We believe that their role in student representation and student voice can be improved at course level with the assistance of new technology to support these governance processes. We value the independence of students unions and close working relationships, formally and informally, in developing better partnerships to improve teaching, learning, assessment, curriculum redesign and opportunities that enhance student success. We believe it would be helpful for OfS to work with the NUS to identify research and other initiatives to support institutional implementation of the TEF, and support, where necessary changes to representation, governance and engagement.

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.

The proposed statutory duties and powers outlined are appropriate to implement reforms to the HE architecture and landscape. We would not advocate powers for the OfS to validate programmes (see Q15), but would support their role in ensuring effective arrangements for validation by others with DAPS, including powers to direct bodies with DAPs to withdraw external validation for failing institutions or programmes. To encourage the adoption of the TEF, we believe the OfS would be in a good position to commission strategic initiatives into areas to expedite teaching excellence such as developing staff expertise and recognition for teaching, improving staff student partnerships, use of technology enhanced learning and flexible curriculum, and curriculum assessment and learning design.

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

Yes       No       Not sure

Please give reasons for your answer.

Insufficient information is provided to permit a confident answer to this question. Clearly, the OfS has to be funded, in which case the proposals as far as they go seem appropriate.

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.

The proposed powers reflect existing powers and are reasonable and proportionate. Whilst we agree that government should be able to take any necessary steps to deal with breaches in compliance or malpractice in using public spending, we do not agree with the proposal to allow BIS to 'enter and inspect'. If implemented this would fundamentally alter the relationship between universities and government creating unnecessary tensions and unpredictable behaviours and send out mixed messages beyond the UK about the independence of universities from government. We would prefer this power to be given to OfS.

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

Safeguards should include clear process and set of procedures for inspection that should be met before withdrawing registration and DAPs, as well as a clear appeals process.

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.

Institutions should be able to make decisions about their own constitution and conduct especially if this delays innovations and inhibits dynamism, so measures that support this would be welcomed. The OFS should be the authoritative partner in the approval of changes.

### 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?

HEDG does not wish to respond to the remaining questions.

Question 25:

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

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

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?

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

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

**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.

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**