

**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.

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| --- | --- |
|  | 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 |
|  | Representative Body |
|  | Research Council |
|  | Trade union or staff association |
|  | Other (please describe) |

**Public sector equality duty**

Question 1:

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

The Green Paper would benefit, as noted, from further consideration of the potential equality impacts of the proposals, particularly in regard to the ‘Technical Consultation’.

It is also not clear what consultation has taken place with students on informing the development of the Green Paper and the forthcoming ‘Technical Consultation’.

1. Are there any equality impacts that we have not considered?

 ☒ Yes ☐ No ☐ Not sure

Please provide any further relevant evidence.

The Green Paper does not appear to address any matters relating to part-time study; this may have implications in regard to age, for example.

The Green Paper proposes linking teaching excellence to increases in fees; this appears to discount those facing disadvantage through family income and economic status. There needs to be consideration of incentives (outlined in the Access Agreement, potentially) to attract those students to the top-performing institutions that do not result in a higher fee.

Could the TEF be used to measure the impact and effect of Higher Education on improving social capital?

**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.

Students may benefit from more transparent, independent and comprehensive information for decision-making purposes; where is the best place for me to study ‘x’, for example. However, it is not at all clear how students have engaged with current information designed to inform choice and decision-making, such as the KIS. Also, potential students are already awash with information from a variety of different sources. We suggest this information is rationalised to assist potential students. The TEF information should not just be an additional layer.

Employers may benefit from a focus on employability and from universities further developing both ‘soft’ and ‘hard’ skills within the curriculum.

The sector already aims to engage employers and professional/ statutory body representatives in curriculum design. However, such individuals generally focus on quality rather than standards and academic peer review is of the utmost importance to us in protecting standards in the process of programme approval or review. We also feel that we need to avoid simply paying ‘lip-service’ by including an industry representative on a panel and rather look to find ways to achieve a more valuable contribution from a variety of employers or sector representatives.

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.

This supports other principles described in the paper, particularly around widening participation. However, we are not sure it will achieve stated aims on employability as it would seem to focus on employment through citing DLHE and HMRC matched data as potential metrics.

Not all providers have access to particular datasets and those providers should not be disadvantaged by any final agreement on datasets.

We are not clear on the proposed arrangements for ensuring that the class of degree awarded by higher education providers is consistent across the sector, other than the reference to Grade Point Average. However, GPA is not usually simply informed by an assessor’s consideration of a grade, it is informed by standards-based evaluation whereby a student is tested against a standard of what academics, industry, and other stakeholders have determined to be what every student should know and be able to do. We are also concerned that the introduction of a common GPA system would contradict the stated concern to honour the institutional autonomy which has been critical to the strength of UK HE.

We note that the Green Paper cites the Higher Education Academy report describing that nearly half of institutions had changed their degree algorithms to; “ensure that their students were not disadvantaged compared to those in other institutions”. We are concerned that this is something of a misleading quote; the report actually states that “However, 40% of quality officers report that their institutions have changed their award algorithm(s) in the last five years to ensure that it does not disadvantage students in comparison with those in similar institutions, compared with 43% who report that they have not made such changes… Responses were received from quality officers employed at 98 of the 159 institutions with degree-awarding powers (62%).” This, then, is not 40% of all institutions but 40% of those that responded; approximately 25%. So, a far less bleak picture than the one painted.

The Green Paper describes an ambition to be open to all levels. The current focus is on the undergraduate cohort and we would welcome views on other student groups, including part-time delivery, delivery to mature students, Postgraduate Taught and Postgraduate Research Degrees.

If the TEF becomes an excessively bureaucratic exercise it act as a disincentive to smaller providers.

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?

Yes; this would support the ambition to support widening participation for disadvantaged students further. However, Access Agreements might do more to encourage social mobility; we are not convinced there is evidence to prove that such have been entirely successful. Also, agreements are not in place across the UK; there is no requirement in Wales, for example, and Scotland has its own arrangements for promoting widening access. It is not clear how the proposals will continue to support a unified framework across the whole of the UK, which is something we would support.

We would welcome further information on the impact measurements proposed to gauge support for students from disadvantaged backgrounds and potentially greater ‘learning gain’ for these cohorts of students.

We would welcome further guidance on the proposed linkage of the Access Agreement to teaching excellence. Are we able to use additional fee income for example to pay for academic staff, HEA fellowship or increase academic disciplinary competence through CPD? A more coherent approach is required for all Higher Education providers including Alternative Providers, who are currently required to provide an ‘alternative statement’.

If a TEF award is to remain dependent upon an Access Agreement, this would immediately eliminate those Alternative Providers without DAPs and those without a Memorandum of Assurance and Accountability with HEFCE, both of which require an access agreement as a condition of HEFCE grant funding and charging fees of up to £9000.

The Consultation Document is silent on what is to become of the MAA, which essentially satisfies the Funding Council that the financial sustainability, management and governance arrangements are in place to manage public funds (taxpayer’s money).

To introduce ‘another mechanism’ to decouple the Access Agreement from an assessment of financial probity which only applies to a sub-set of HE providers – those without degree awarding powers or a HEFCE  MAA – begs the question why the access agreement is linked to increased fees in the first place.  This creates the opportunity to open up debate on the purpose and focus of an access agreement and perhaps to widen its application to include evidence of teaching quality through recognised qualifications and CPD.  This would be in keeping with the ‘universal’ approach to support teaching and learning for those with specific learning disabilities, health conditions and other protected characteristics and would be a proxy for an institution’s Equality Duty.

We are not clear how consideration might be given to use of the Quality Code or the Framework for Higher Education Qualifications.

Question 5: Do you agree with the proposals on:

1. what would constitute a ‘successful’ QA review

 ☒ Yes ☐ No ☐ Not sure

1. the incentives that should be open to alternative providers for the first year of the TEF

 ☒ Yes ☐ No ☐ Not sure

1. the proposal to move to differentiated levels of TEF from year two?

 Yes ☐ No X☐ Not sure

Please give reasons for your answer.

Given the proposed timescale for implementation of the TEF, the interpretation of what constitutes a ‘successful’ QA review is pragmatic and sensible. However, a robust appeals process will be required. It should also be noted that, for institutions due to be reviewed during 2016/17, their most recent review will not really be recent.

Incentives should be open to all providers, to support the ethos of a ‘level playing field’. We also welcome an automatic review where there is a change of circumstance such as change of ownership of the provider as this will serve to protect the reputation of UK HE.

A differentiated TEF will be important if the purpose is to distinguish those offering teaching excellence from average (or even poorer) teaching; however, we are not sure we agree entirely with the proposed metrics, which in – some instances (eg, graduate salary levels) – appear to be remote proxies for measuring teaching excellence rather than actually measuring teaching excellence. It will take time to develop the metrics appropriately, and it is essential to get it right. This argues for a longer implementation period.

The REF could have an impact case study on teaching for those institutions which claim research led teaching.

- However, surely the regulators (OFS?) need to properly define teaching excellence before we can agree on how to measure it?

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.

As mentioned above, we have yet to define teaching excellence – this should inform use of metrics rather than have excellence defined by available metrics. This is a case of the ‘tail wagging the dog’. The relative remoteness of the metrics from what would constitute measurements of teaching excellence underlines the essential need for data to be supplemented by a form of institutional narrative to set metrics in context. The Green Paper recognises the diversity of the sector and it will be vital that distinctive missions are taken fully into consideration in assessments of excellence.

Also, the qualitative element of assessment will be of huge importance to panel members. If assessments by panels are desk based, who in this process is observing teaching in the classroom?

Again, the timeframe proposed would appear ambitious. They key data sets proposed may disadvantage some providers as they do not all participate in such (the National Student Survey, for example, is not entirely comprehensive).

It would be helpful to see a wider consultation on the metrics for TEF levels 2 to 4 once the Technical Consultation is made available. Further details on the timeframe for TEF 2 would be most welcomed.

TEF2-4 is remarkably unclear. Does an institution apply for 2, then 3 and then 4 or does it apply for 2-4 and the panel decides which one it gets? The criteria for levels 2-4 will need to be detailed and transparent. This all needs to be made clear in the technical consultation.

The Government also needs to develop its wider communication plan surrounding the TEF. Firstly, it is not clear what the problem is that TEF is trying to address. This in itself could be damaging to UKHE's reputation, particularly internationally. Secondly, will an institution with TEF 2 be seen as one which has failed to achieve TEF 4? Again, this could be very damaging to the reputation of UKHE.

The UK ceased subject-level assessments of teaching almost 15 years ago. The rationale for ending the activity was that the quality of provision in the sector as existed at that time had been verified and continued assessment would be unnecessary. We agree that the level of scrutiny of new entrants needs to be more intense, but are concerned that reverting to subject-level assessment of all provision would send the wrong signal to critical international markets that there is any concern with UK HE’s quality.

It would be helpful to understand how consistency between panels might be assured. We are not clear as to who might be responsible for training panel members. Submissions at both discipline and institution seem somewhat burdensome. Panel selection and training will require great care.

It needs to be clarified whether or not Higher Education Providers would have to submit in all disciplines. If yes, this could be extremely burdensome.

There could also be issues with reliable metrics in smaller discipline areas.

We would support the independence of panels and the inclusion of students (as long as this is representative rather than simply paying ‘lip service’).We would welcome clarity on how subject-specific assessors might contribute to institutional-level judgements.

Could QA assessment and this assessment of teaching excellence be completed at one and the same time? By one panel?

We feel that further information is required to respond to this definitively. Notably, the lack of certainty on QA arrangements in the future make it difficult to assess the overall position - and its likely (in)efficiency.

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 welcome any proposal which reduce costs and administrative burden on institutions.

However, it is very possible that the HEFCE proposals will be rather more burdensome than the TEF proposals, which is one reason for it being essential that the two dovetail efficiently. It should be noted that TEF + QA = considerably more than institutions are required to do now, which means our teaching staff will be involved with an administrative task rather than with their teaching. As always ‘the devil will be in the detail’ and we do not currently have the detail in order to identify resources required for the TEF. What lessons have been learnt about the cost of the REF and Subject Review? If the TEF is on a discipline basis the cost could be enormous! Again, it conflicts with the stated intentions of the Paper and could prove disproportionate to any benefits of the TEF to the sector.

In regard to the TEF it is possible that resource will shift to data systems, rather than being spent on enhancing teaching or improving the student experience, which will have resourcing implications for institutions.

We continue to have more questions than answers and we signal our further concerns at the end of the survey. We are concerned about the absence of a coherent approach: for example, in areas where revision of primary legislation is required before we can address some of the technical implementation issues.

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 would welcome further information on consideration of utilising information on the ‘amount and quality of student study’, contribution to social mobility and the encouragement and reward of excellent teachers.

Providers take seriously their responsibilities to promote students’ engagement with their learning, but we are not sure that institutions can be held responsible for the ‘quality’ of student study, and rather believe that it is the responsibility of individual students to take advantage of the opportunities offered by a higher education. There is no necessary correlation here between excellence of teaching and excellent learning. Students are not mere passive recipients of goods and services.

Differentiation may only be useful at the discipline-level; it is likely, however, that all institutions will aim for Level 4, thus negating any possible benefits.

Again, in this regard we have concerns about financial cost to institutions, given the cost of potentially paying a subscription to the new OfS, as well as the administrative cost likely to be associated with TEF preparation.

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.

Incentives should apply to all providers, although reputational advantage may not in itself be sufficient. Any approach needs to avoid ‘gaming’ it that it becomes about delivering ‘good metrics’ rather than ‘good teaching’.

We would also welcome evidence of the ‘lamentable’ teaching that has been referred to, to allow the sector to focus our efforts where needed.

The Government needs to produce a communications plan to advise International Partners how to interpret what TEF 1 means. For the sake of the UK’s reputation, it is essential that Level 1 clearly conveys excellence, and that excellence is not only associated with higher TEF levels.

We do not agree that providers which do well within the TEF will attract more student applications, particularly from those from disadvantaged backgrounds, as they will not be able to afford the cost of the raised fee levels. We are not clear how quality assessment proposals feed into ensuring that the ‘lower quality providers’ withdraw from the sector, raising quality overall.

If, as stated, the TEF is a voluntary activity, then careful consideration must be given to quality assessment, which must be mandatory.

We note that removal of Student Number Controls (SNCs) altogether is suggested in the Green Paper but we are unclear how this will be applied to all Higher Education providers. The Alternative Providers performance pool is not necessarily an incentive for those Alternative providers who need to restrict numbers on courses because of limited facilities used, e.g. catering, dance.

We are not sure that the ability to increase fees by inflation is sufficient.

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.

Again, this is difficult to answer without an agreement of what teaching excellence is. Is it about teaching or learning? Or both? –

If it is about teaching, then is it about the quality of what is delivered or the way in which it is delivered or both? Will it simply reinforce standards of teaching or actually promote teaching excellence?

If it is about learning, then how do we measure the quality of the learning resulting from teaching? Excellent teaching does not necessarily equate to excellent learning – how do we observe the process of learning in order to measure excellence, or student engagement with their learning? Should we be evaluating teaching in terms of learning?

Proposals for the TEF are very heavily weighted in favour of outcomes-based metrics without consideration of inputs (albeit there may be opportunity to espouse such within the institutional context through the additional provider evidence, which we would endorse). A focus on outcomes takes away from the process (and too heavy a focus takes away from the inputs). Evidence for the TEF needs to be more ‘rounded’ than is currently proposed.

Whilst we agree that a focus on teaching quality, the learning environment, student outcomes and learning gain is a helpful starting point, we are not clear on how such will be measured. The metrics proposed do not measure teaching quality.

We feel it is important to consider the learning environment, and it is not clear how proposals might support this.

A focus on the learning environment, on outcomes and on learning gain is useful in avoiding a possible ‘reductionist’ approach to the experience of students and it may be more sensible to describe the TEF as a framework for learning and for teaching, rather than just for teaching. Emphasis should also be equally focused on strategies for promoting student engagement and strategies for staff development.

In this regard, the assessment of learning gain will be particularly crucial: e.g., an institution admitting students with high tariff qualifications must not be disadvantaged because learning gain may be difficult to demonstrate in traditional classification outcomes. Consideration of context here is crucial; the approach needs to be more nuanced.

We welcome the recognition in this section of the Green Paper of the benefits of research for teaching; it is regrettable that in other respects the Paper establishes what we consider to be a false opposition between the twin academic activities.

We agree that it would be helpful to consider the design and organisation of curriculum content and module learning activities (evidenced by student learning outcomes and peer review). Supporting, promoting and enhancing student learning might be evidenced by: the NSS/student feedback; diversity in student learning measured by peers; and case studies of innovative practices). Assessment and feedback might be evidenced by external examiner reports and student achievement. An effective learning environment might be evidenced by quality assessment reports, examiner reports, peer review, or reports from PSRBs; effective communication and the inspiring of students might be measured through the NSS; the encouragement of higher order thinking and independent thinking might be measured by external examiner reports. Scholarship and professional activities in relation to pedagogy could be evidenced by teaching qualifications; membership of HEA; evidenced contributions to the development of pedagogy (i.e., journals, conferences). The evaluation of practice and a commitment to teaching excellence, and engaging in continued development of teaching skills should also be considered.

We are unclear as to how an assessment of the use of the UK HE Quality Code and Subject Benchmarks will be undertaken. Will this be part of the Quality Assessment Regime or part of the TEF assessment panel evidence?

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 proposed datasets are not about teaching quality; for example, contact time does not have a straightforward correlation with teaching excellence. One of the key intentions of learning in HE is that it develops students as self-directed learners – and the more so as a student progresses through his or her studies. A key point here is that this is an essential skill in the workplace.

HEFCE’s proposals for the future of QA would not appear sufficient to be the basis for level 1 TEF award as this relies on boards of governors to provide assurance of quality rather than any external assessment beyond consideration of metrics

Too much emphasis on metrics may stifle innovation and may lead to reluctance to take risks that could impact on the particular metrics available. Institutions would be reluctant to risk innovative teaching methods which might impact their scores – an example of unintended and undesirable consequence.

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

Question 12:

1. 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.

We support in principle anything that brings about improvements in social mobility and equality. However, the links between social mobility, widening participation and teaching excellence are complicated and indirect and need to be explored further to ensure that no unintended consequences arise.

There are opportunities to link the measurement of teaching excellence with the levels of support required for these groups of students to succeed.

1. 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 note that the Green Paper suggests that ‘the Office for Students could itself take on a validation role’; this would conflict with this. This is partly why we believe that an independent, arms-length body should remain responsible for quality assessment, to ensure it is independent of any degree-awarding body.

We are not clear how the quality assessment of overseas provision will continue if it is not under the aegis of an independent, arms-length body.

1. *What other groups or measures should the Government consider?*

The system needs to be flexible enough to accommodate future changes to access requirements.

*Question 13:*

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

QSN’s core focus on quality assurance and quality enhancement means we are unable to comment on this.

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

QSN’s core focus is on quality assurance and quality enhancement; however, key areas involved here concern UK-wide organisations and arrangements, and we are concerned that the Green Paper does not confuse the rest of the world about the unitary nature of UK HE brand. It is essential that this activity is taken forward by the four UK nations acting together.

**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 recognise the value of a single route into the higher education sector. However, whilst the current system is perhaps overly bureaucratic regarding course designation and applications for taught degree-awarding powers, the proposed speeding up of the process by which a new provider can award its own degrees and call itself a university may be problematic in terms of other stated aims of the Green Paper. This will not protect standards but rather may serve to weaken them, both directly and indirectly through undermining the UK’s reputation.

It could also lead to excess provision in cheaper subjects at the expense of more expensive STEM subjects.

As a number of new providers may limit themselves to a single or very few subjects at the time of applying for degree awarding powers, we recommend some limits on degree-awarding powers and controls over addition of new subject areas. We also believe that the threshold for entry into the UK Higher Education sector should remain high.

We do not agree that this position is anti-competitive; rather it means that a provider new to the marketplace can be mentored and supported by an experienced institution and appropriate controls are in place for the protection of students’ interests and the reputation of UK HE overseas.

It is difficult to see how cost might change. Organisations would still need to be scrutinised before they might qualify for degree-awarding powers. Cost to individual institutions seeking degree-awarding powers needs to be balanced against potential costs to the sector and the collective reputation of UK HE.

With respect to the proposal that the OfS is funded by means of subscriptions, the costs of application to enter the sector should be borne by the applicant. The costs of the intensive monitoring that is essential in developing the track record of a new entrant should also be borne directly by that entrant.

We would also wish to note that ‘entry to the sector’ is not necessarily equivalent to degree-awarding powers; they are two rather different things.

It should be noted that, from the information provided in the document, while there appears to be a single entry point for receipt of applications to Models 1, 2a, and 2b, the level playing has not been established.  With regard to Alternative Providers, our understanding is that, without repeal of the 1988 Education Act and removal of student number caps and controls, this will simply reinforce the status quo.

Question 15:

1. 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 are surprised, given National Audit Office investigations and QAA ‘Concerns Procedure’, that there is any suggestion that it be made ‘easier’ to obtain degree-awarding powers. It is particularly worrying that an untested provider might set up overseas in a discipline in which they have no experience and with limited quality assurance expertise, thus potentially damaging irrevocably the reputation of UK HE.

It is also of concern that a ‘pop-up’ university may potentially damage the future employability of students who have studied there. With the former CNAA, its records were passed to the Open University Validation Service. Any student who has misplaced their certificate or who needs a transcript is able to apply to the OUVS for a replacement. It is unclear as to how similar arrangements might be made for a myriad of providers who may eventually fail.

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

There would seem to be something of a misunderstanding in this regard; further education colleges and other providers are not simply ‘buying’ the degree awarding powers of a university, they are ‘buying’ into a whole support mechanism. A college offering, say, one Foundation degree for ten or so students, does not have the economies of scale to warrant the infrastructure a university has. Universities provide not inconsiderable support to their partners – expertise in the discipline, in teaching, in quality. Staff development opportunities are made available, as are other opportunities. Universities often manage student records and make relevant returns. There is some access to electronic and other resources available.

With regards to the options identified in paragraph 24 we would comment that;

* + - * OfS as validator – we oppose this; there is a conflict of interest in this proposal. The validator should be independent of Government and funding bodies. In addition, in practical terms, OfS would need to acquire academic and HE administrative expertise to provide the necessary support and this is unrealistic. It could also be anti-competitive: currently, Alternative Providers without DAPs deliver programmes of study on behalf of the validating partner and the students receive an award from the validating university.  If controls are weakened this may deter awarding bodies from entering into validation arrangements.  The proposal to introduce OfS or others as validating bodies would create a two tier system and is likely to impact negatively on the AP sector.

DAPs to non-teaching bodies – we also oppose this, on the basis that such organisations would be unable to provide the necessary support for their partners and the risk they would lack the expertise to maintain academic standards successfully.

Government oversight of provider with DAPs – this would be possible, but validating institutions would need to be able to reserve the right to decline to validate an organisation on quality or business grounds.

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.

We would urge caution in protecting the reputation of UK HE plc.

**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.

The benefit is clear; students are protected if their provider fails – they would not be disadvantaged financially.

In partnerships, universities are required by the Quality Assurance Agency to have such in place; this includes reference to such in agreements for arrangements and in procedures for managing agreements. This should be applied equally to all providers of higher education. However, this underlines the essential need for stringent entry requirements. Having contingency arrangements in place does not provide a reason for lightening the requirements for entry to the sector or for ongoing assessment of quality and maintenance of standards. Additionally, while students might be compensated financially, it is not possible to undo damage to career prospects through time wasted. In practice, it can be difficult to identify alternative providers in the event a course closes – this would be particularly challenging when dealing with programmes in niche subjects (something the Green Paper seeks to facilitate).

Costs are difficult to ascertain as they will be affected by location (overseas being more expensive for obvious reasons than a UK-based provider). This is a very complex area which is difficult to underwrite.

Perhaps the Office for Students (OfS) should take greater responsibility for overseeing the exit of a provider and having contingency arrangements, i.e. that the office overseeing entry to the sector and monitoring also oversees exit, rather than just providing support?

The differing legislative positions of the pre- and post-92 universities in the event of closure is likely to need consideration.

**Simplifying the higher education architecture (Part C)**

Question 18:

1. Do you agree with the proposed changes to the higher education architecture?

☐ Yes ☐ No ☒ Not sure

Please give reasons for your answer.

We are sure it goes far enough in reducing the number of different bodies that institutions are required to coordinate with – on the other hand, it fails to retain the independence of the Quality Assurance Agency – or similar organisation - in any clear fashion. We have grave concern in regard to the funding council proposals for quality assessment and would wish to see continuation of co-regulation undertaken by the sector and a body independent of both government and of institutions. We feel strongly that there needs to be a UK-wide approach. As a key instance, QAA and HESA are bodies operating across the UK and part-funded by the sector UK-wide. Proposed changes to their activities also need to take account of the shape and needs of HE for the whole of the UK. We are concerned that the Green Paper does not confuse the rest of the world about the unitary nature of UK HE brand.

1. 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

1. If you agree, which functions should the OfS be able to contract out?

The OfS should be required to contract out its responsibility for quality assessment. We do not agree that boards of governors are an appropriate mechanism to assume responsibility for quality assessment (as proposed by HEFCE). We have grave concerns that this would lead to inconsistency and inequality within the sector. The strength of the Quality Assurance Agency lies in its independence and its ability, through that independence, to co-regulate effectively with the sector.

However, we should guard against too much contracting out as this would not lead to a simplification of the HE architecture.

Funding decisions and quality assessment should continue to remain separate.

If we accept that some changes are going to be made it makes no sense to transform the whole landscape at once. In order to change the architecture you still need some of those foundations and key services to be in place otherwise you’ll never get the buildings up.

1. *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,*

*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.*

These have been outlined in the comments above.

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

We are not clear how this relates to the idea of a teaching excellence framework and the higher education architecture.

We think that the Student Unions are reasonably accountable to members already and any changes need to continue to support the useful functions of students unions in representing the student voice. This is a matter for governing bodies and should be left to them to manage.

Question 21:

1. Do you agree with the proposed duties and powers of the Office for Students?

 ☐ Yes ☐ No ☒ Not sure

Please give reasons for your answer.

We require further information.

1. Do you agree with the proposed subscription funding model?

 ☐ Yes ☐ No ☒ Not sure

Please give reasons for your answer.

At present, providers do not have to subscribe to HEFCE. Subscription will place additional burden on providers’ resources and will use student funds. Other regulated sectors which subscribe do not have such controls on the amounts they can charge their customers, therefore it is not clear that there is an argument for this. And again, the costs of application to enter the sector and of the intensive monitoring that is essential in developing the track record of a new entrant should be borne directly by that entrant.

Question 22:

1. 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.

On the one hand the Green Paper seems to seek to transfer, in effect, institutions to the private sector through removing the requirement to participate in the Freedom of Information scheme. The proposed ‘right of entry’ arrangement places institutions firmly under control of the government. This is a radical step away from the autonomy of institutions which is critical to the success and reputation of the UK sector which the Green Paper seeks to honour.

We note that the Green Paper states that ‘We also propose that the Secretary of State would have a power which enables BIS or a specified partner organisation to enter and inspect higher education providers, if it is suspected that the provider has committed a breach of the conditions of receipt of (direct or indirect) public funding. A power to enter and inspect is needed to allow serious breaches of conditions to be tackled as swiftly and effectively as possible, safeguarding the interests of students and the taxpayer, and protecting the reputation of the sector… The Secretary of State would lay secondary legislation specifying to which providers the powers would apply and for what purposes.’

We would perceive this as a threat to institutional autonomy. It also has the potential to create a binary (or worse) sector, whereby some institutions are automatically perceived as ‘higher risk’ because the Secretary of State has the power to enter and inspect.

We recommend consideration of whether the National Audit Office powers are sufficient, coupled with existing QAA Concerns Scheme arrangements. Arrangements for this kind of eventuality in the HE Wales Act might also be usefully considered as these would appear more suitable to the context.

1. What safeguards for providers should be considered to limit the use of such powers?

Until a track record is established, we suggest allowing degree-awarding powers by level of the FHEQ and in limited subject areas.

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.

Deregulatory measures should be considered as part of whole picture, e.g. changes to Privy Council requirements need to be looked at in the context of proposed changes to QA and the emphasis on the role of the governing body. Would urge care in this area. The independence of the Privy Council is useful in preventing significant changes that would mean a governing body could not properly discharge its function.

We need to retain protection of the title ‘University’.

With respect to the suggestion that the sector might become exempt from Freedom of Information legislation, in the interests of a level playing field, provision would be required that Scottish HEIS are also made exempt, as they are subject to FoI through a separate provision.

***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?*

This issue lies outwith the remit of QSN.

*Question 25:*

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

This issue lies outwith the remit of QSN.

1. *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*

This issue lies outwith the remit of QSN.

*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?*

This issue lies outwith the remit of QSN.

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

This issue lies outwith the remit of QSN.

*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.

The Quality Strategy Network – QSN – comprises senior staff – mainly Directors or Deans of Quality – from c. 100 Higher Education providers across the UK. It has representation from all categories of HE institution, from private SSIs to the Russell Group. As such, QSN is very well placed to offer an informed view on the Select Committee’s consultation. This response is submitted by the QSN Executive Committee.

We welcome the imminent ‘technical consultation’, as we suspect that this may provide detail we currently lack.

We welcome further information, when ready, on provision recognised by Department for Education to deliver initial teacher training courses and have students accessing student support. We are working with the Department for Education to consider how the proposals throughout this document might apply to these providers.

We would also welcome clarity on what consultation has taken place with students and employers to inform the proposals.

We would also welcome clarity on how the TEF might add value, as the metrics currently proposed are already publicly accessible to anyone who wishes to consider them.

We need to have a picture of a whole system, including potential changes to QA system – as a test, how would we describe HE quality assessment/assurance/regulation to an overseas visitor?

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**