

Response to the Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice (Higher Education Green Paper)

Submitted 15 January 2016 to the Department for Business, Innovation and Skills.

On 15 January 2016, we submitted a response to the BIS consultation on a number of proposed changes to the higher education sector. This Green Paper outlined plans to introduce a Teaching Excellence Framework, increase access and success for students from disadvantaged backgrounds, introduce a new Office for Students to oversee the university sector, and ease up entry to the sector for new higher education providers. [You can read the Green Paper proposals here.](#)

Questions regarding this response should be directed to president@hertfordshire.su

Public Sector Duty

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

We welcome the ambitions outlined in Fulfilling our Potential on student protections, widening participation, and increasing social mobility. However we have a number of concerns around the potential impact of several of the proposals, particularly in the context of several cuts to Higher Education announced in the recent comprehensive spending review.

We are concerned that linking the Teaching Excellence Framework (TEF) to any future fees increase would disproportionately impact several protected groups, including students from disadvantaged backgrounds, women, and BME students. This would be reinforced if the TEF is linked to employment metrics. These protected groups remain less likely to achieve high salaries and so there remains the responsibility to ensure that any framework introduced would secure against a system where institutions might be reluctant to take on undergraduates from disadvantaged backgrounds recognised by the Director of Fair Access.

Research suggests that those from poorer backgrounds are more debt-adverse, and are already more likely to opt for shorter courses or remain nearer the home. Any further increase in fees could further widen the gap between students from disadvantaged backgrounds and others, and effectively disadvantage those institutions that have managed successful widening participation programmes.

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

The extent of the impact of these proposals must be read in the context of ongoing changes to the Higher Education landscape, and particularly of student funding. Several organisations and institutions including our own have already expressed concerns over what impact changes to Disability Support Allowance, Maintenance Grants, healthcare bursaries and student opportunities funding will have on students from poorer families. There are also ongoing concerns around the impact longer-term

changes have already had on part-time study, particularly study options for students with children or adult dependents. We remain concerned that the equality impact on students with certain protected characteristics, including pregnancy and maternity, sexual orientation, mature students and part-time learners, have not been adequately considered.

Part A Teaching Excellence Frame Work

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?

Hertfordshire Students support the ambition to raise teaching standards. However do not agree that a one-size fits all approach between the TEF and REF in terms of funding and incentives are unhelpful. Funding is allocated differently; if an institution achieves a good REF, they are potentially allocated increased research funding from the research councils. If a good TEF is achieved and institutions are allowed to increase their fees the weight of this increase is on students. The incentive to improve is different and will not cause the desired outcome.

All institutions delivering Higher Education programmes, in all formats, should be subject to the same rigorous processes as traditional universities and must reach the same standards.

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?

In line with the response by the National Union of Students, Hertfordshire believes that the Access Agreements are fundamental to improving access into Higher Education. It should be a requirement for entry into the sector including access to student loan funding, gaining degree awarding powers, university title and inclusion in the TEF.

We support the Government's approach to Higher Education as this leads to a fairer, more prosperous society. The best way of ensuring this happens is to have an Access Agreement as a pre-requisite. Access Agreements provide assurance to students, tax payers and the Government that providers have at least a basic commitment to ensure access.

8. Do you agree with the proposed approach to differentiation and award as TEF develops over time? Please give reason for your answer.

No.

Hertfordshire Students support the purpose of the TEF is to ensure and improve teaching excellence. It is not clear how differentiation will enable these to be ensured. Differentiation will create a complex situation which will make it

potentially challenging for students and employers to understand. With access to professional careers guidance varied across the UK, a more complex landscape without investment in careers advice will result in worsening existing inequalities.

There is the expectation that HEIs will all work to achieve the highest level possible within the framework. However there is the real risk that this may simply not happen as some institutions potentially will not see the benefit of the outcome as being worth more than the investment required. New providers may not feel the need to take on the burden of the TEF as their students, either international or typical home students, are influenced by other factors other than teaching quality. Further to this, there is no guarantee that private providers will maintain the reputation of UK Higher Education, with a small number of institutions looking to cut costs and .

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

No.

Linking fees to the TEF is completely flawed. Linking quality to fees will completely undermine any potential to create an objective and meaningful way of measuring quality.

Currently fees have no link to quality and are capped by the Government, meaning that there is no difference between institutions offering comparable degrees. Institutions are driven to receive as much funding through fee collection as a result of a significant cut to teaching grants. Fees also do not reflect the cost of delivery of a programme. Cost of delivery will vary across institutions due to local variances such as land prices or specialisation within the institution. Cost of quality will vary significantly by field due to variances in the labour market. Fees in uncapped markets such as postgraduate and international vary between institutions and are rarely linked to quality. NUS provides a range of evidence in its response that clearly demonstrates that fees and quality are not linked and we strongly support this.

It is not clear how institutions will react to the changes being offered. Evidence provided by a number of university representative bodies to the BIS Select Committee clearly states that they are opposed to linking TEF to fees. NUS covers in detail how small the increase is likely to be for universities and we back their stance that institutional reputation is the key driver for providers to improve the quality of their provision.

The differential system proposed in the Green Paper will work against the interest of the student body as a whole. Students will either be charged the same as they are now for what is considered a lower quality degree in the TEF or charged more for what is considered a higher quality degree.

The evidence and calculations provided in the NUS response to this consultation clearly demonstrate that the variation in inflation will significantly distort the impact of fees rising and penalise institutions depending on when they see the improvements in their teaching quality.

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

Yes.

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development of teaching quality and we broadly agree with the categories of focus however we do not believe that the metrics proposed (discussed in Q11) will effectively measure and support development in these areas.

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 providers?

No.

The metrics proposed by the Government do not measure quality and therefore provide an inadequate picture of teaching quality. We hold significant concerns around the validity of a number of measures, for example the DLHE and NSS, in providing accurate information.

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data is flawed and is subject to influence and manipulation from institutions. Should this data form part of a TEF, it should be conducted externally in a similar way to the NSS, which whilst having flaws is safe in the knowledge that everyone is subject to the same process.

We also believe that graduate destination is not an accurate representation of teaching quality. Students with protected characteristics from a university are statistically more likely to earn less than their contemporaries with the same degree, penalising institutions that recruit from WP communities.

The measurement of retention and continuation data will penalise institutions that recruit from WP or under-represented demographics, who are nationally less likely to complete their studies. This measure will benefit select institutions and will not create an accurate picture of quality.

It is contradictory for the Government to state in their proposal that they themselves believe that the metrics available to them are unreliable and then use them to form the basis of their Teaching Excellent Framework.

Chapter 4: Social Mobility and Widening Participation

12a. Do you agree with the proposals to further improve access from disadvantaged and BME backgrounds?

Yes.

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success from disadvantaged and BME backgrounds. Any work or measures developed in this area

should be robust and drive a real change in culture and demonstrate real benefits. The framework should take into account the potential small numbers of students at some institutions and ensure that information about the context of an institution be taken into account.

12b. Do you agree that the Office for Students should have to the power to set additional targets where providers are failing to make progress?

No.

We do not agree that additional targets are a suitable way to drive improvements in this area, as stated by the Office for Fair Access. Targets set through Access Agreements have been useful to drive improvements. However, where an institution is struggling to improve the experience of BME and disadvantaged students, additional support should be made available from the Office for Fair Access or other relevant bodies. If this requires additional powers be made available then this should happen.

12c. What other groups or measures should the Government be considering?

Whilst there is a focus on a number of specific groups, development and advancement in other groups/areas should not be forgotten. The Green Paper, whilst covering BME and disadvantaged students, neglects a number of areas including mature; part time; students with caring responsibility; and student parents.

Part B (Opening up the sector to new providers)

15a. Do you agree with the proposed risk-based approach to eligibility for degree awarding powers (DAPs) and university title?

No.

We do not agree with proposals to speed up the ability to gain DAPs. A minimum of four years before an institution can apply for DAPs demonstrates that a cohort of students has successfully completed a course and establishes that the provider has some stability. We believe strongly that anything less than this would not be sufficient to develop quality standards and to ensure that they are adhered to at every touchpoint throughout a student's time at an institution.

Furthermore, we believe that the speeding up the timeframe to gain DAPs would not allow for student representation systems to be developed within the institution itself and also within the validation process.

We recognise that the Green Paper states there will be sanctions such as the removal of DAPs or University Title where required. However, we do not feel that the financial, emotional and reputational cost to the students concerned has been taken into consideration. It is more appropriate to take the

rigorous precautions before providers gain DAPs, thereby better protecting students who are seeking the same quality their peers will be seeking at other institutions.

Typically, new entrants are attracted to low cost (to run) options such as business or law in a typical University setting, these courses often subsidise more expensive courses to run for example, engineering. Students are largely more willing to accept this trade off in order to be part of a larger community with better facilities. Further to this, we would further caution against new entrants being awarded the title of

available this is not only because of the reputational risk to the sector as a whole, but without a full range of programmes and activities, new entrants would not be able to fulfil students

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15b. What are your views on the options identified for validation of courses delivered by providers who do not hold DAPs?

We do not agree with the proposal for the OFS to provide validation for courses delivered by alternative providers. It is not appropriate for the body that will be guaranteeing the quality of HEIs to also be validating similar courses, this would be a conflict of interest.

We would like to see the retention of an independent body to oversee quality assurance. Further to this, we do not believe that the OFS should be able to validate degrees and regulate quality within institutions. We believe that the system of validation of degrees should remain with Higher Education institutions. For new institutions, this has historically meant that many seek validation from an existing provider, which ensures that quality is monitored and standards maintained.

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

No.

We do not agree with the proposed immediate actions.

We do not agree with the proposal that alternative providers could apply for course designation simultaneously with their Higher Education Review as we feel this does not allow for appropriate student representation within their Higher Education Review.

Part C: Simplifying the Higher Education Architecture

18a. Do you agree with the proposed changes to the higher education architecture?

We are concerned with the proposals to merge HEFCE and OFFA and the extensive powers proposed for the new single body the Office for Students. We are concerned that there are very different roles

to play and that a single body will not be able to undertake the range of important roles with sufficient focus to impact on students the Government to save money. However, we are not convinced that this will transpire with a super-quango.

We are concerned about the potential dual role proposed for the Office for Students (OFS) in relation to administering the Teaching Excellence Framework (TEF) and providing oversight of quality assurance. We believe that the work undertaken by the QAA is vital to the long term success of UK Higher Education and therefore we would like to see this protected. We would therefore recommend the retention of the QAA as a separate body to oversee quality assurance throughout all Higher Education institutions. If necessary, this work could be contracted out to the QAA by the OFS.

We are also concerned about the potential conflict through having one organisation responsible for the TEF, especially if this were linked to fees, and the administration of access agreements.

We support the work that HEFCE currently does in relation to research and publication of good practice in Higher Education and would not want this to be lost through the proposed merger.

We agree with NUS that students must be adequately represented within the governance structures of the OFS to ensure that their needs are truly at the heart of the new body. However we are not sure of the impact of the proposed inclusion of employers within the governance arrangements for the OFS. We are not sure how this would be beneficial to the long term development of Higher Education and would seek assurances on how this will be genuinely in the best interests of UK Higher Education and more particularly of students, rather than short term business interests. There needs to be a deep understanding about the purpose of Higher Education and how this relates to business needs, without a focus on business needs to the detriment of Higher Education.

18b. To what extent should the OFS have the power to contract out its functions to separate bodies?

We agree that the OFS should be able to contract out certain functions and should be required to do so where there is the potential for conflict of interest. For instance, we do not think that the OFS should be able to validate degrees and regulate quality.

18c. If you agree, what functions should the OFS be able to contract out?

Quality assurance.

18d. What are your views on the proposed options for allocating Teaching Grant?

We believe that the Minister should set strategic objectives but that the OFS should have the responsibility for allocating the teaching grant (option 2).

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

We believe that the current arrangements provided by the Quality Assurance Agency are robust and a similar system of regulation should be maintained with regard to quality assurance. We do not believe that a system built around self-evaluation is sufficient and we would like to see an external body continue to regulate in this regard as this is so fundamental to the long term success and international standing of Higher Education institutions. We believe that the current QAA Quality Code should be maintained as the minimum standard for quality. We also believe that all Higher Education institutions should have to prove that they meet the code before degree awarding powers are given. In addition, this should be given only for subject areas where there is a proven track record. We do not believe that new providers should be given general degree awarding powers based on only a narrow set of subject areas, as there are substantial differences between subjects such as law and business, when compared with STEM subjects for instance.

20. What steps should be taken to increase the transparency of students unions and strengthen union

Students unions are generally all subject to a wide range of institutional and external regulation. Under the Education Act 1994, each institution governing body has responsibilities to ensure that students are treated fairly. There is also a level of internal reporting that ensures that students are accountable for the use of resources. There is a Memorandum of Understanding in place in most institutions which sets out clearly what students complaints procedures to safeguard students if things go wrong.

In addition, as registered charities, students return to the Charity Commission, publishing audited accounts, and reporting on their charitable activities.

As registered charities, public information is available on the Trustees of students Boards are now well established and include both students as members, elected officer trustees and external / independent trustees.

Charitable registration also regulates the political activities of students res that campaigning activities only relate to their charitable objects. This limits campaigning activities and ensures that this is not party political.

In recent years, the inclusion of students unions within the National Student Survey (NSS) has further enhanced the transparency and accountability of students students and universities. We find it ironic that under a separate consultation, there are proposals to remove the compulsory question relating to students continue to be a clear question or set of questions relating to students that this transparency and accountability continues to develop. It should be noted that many students unions use the NSS alongside more extensive student satisfaction services to drive improvements in

the services offered to students at a particular institution. This data is generally shared with institutions and often published alongside action plans and strategic plans to further develop the representational and other activities of the students

There has been a significant shift in students purposes of representation, support for students through advisory services and student activities including significant clubs and societies, important volunteering and charitable fund raising activities. There is a huge amount of public good undertaken by students through students unions in local communities with many thousands of hours of voluntary work undertaken in a wide range of local and national organisations.

Students

perfect, there is a common desire to continually improve this through improved turnout in elections as well as accountability through formal meeting structures such as Student Councils and Annual General Meetings.

21a. Do you agree with the proposed duties and powers of the Office for Students?

Whilst we accept that the proposed merging of organisations may be necessary we do have concerns about the extent of the proposed OFS remit. As stated above, we would like to see the retention of an independent body to oversee quality assurance. Furthermore, as stated above, we do not believe that the OFS should be able to validate degrees and regulate quality within institutions. We believe that the system of validation of degrees should remain with Higher Education institutions. For new institutions, this has historically meant that many seek validation from an existing provider, which ensures that quality is monitored and standards maintained.