

Securing student success: risk based regulation for teaching excellence, social mobility and informed choice in higher education

Part 1

1. *Do you agree or disagree that these are the right risks for the OfS to priorities?*

Agree.

- Objective 1 the current powers held by the Office For Fair Access should be upheld and enhanced when they transfer over to the OfS.
- Objective 2 Whilst we agree with the objective, we believe that the current definition of Student Outcomes is too narrow and should reflect the diverse reasons students chose to participate in HE and a particular institution. Students leave higher education with more than just a qualification, therefore a more holistic definition of 'student outcomes' is required to reflect a well-rounded student experience, student engagement in enhancement activities and that students are partners in their education.
- Objective 3 Student protections are welcomed, however it is important to recognise that the relationship a student has with a University goes beyond that of a consumer.
- Objective 4 Hertfordshire Students' Union takes a pragmatic approach to value for money and welcomes its inclusion in the OfS regulations. A clear definition of value for money for students and tax payers is required to ensure clarity and consistency across the sector. Due to the increasing diversity across the sector, it is important that provider context is considered as what is valuable and welcomed for one provider maybe completely different for another.

2. *Given all the levers at its disposal, including but not limited to access and participation plans, what else could the OfS be doing to improve access and participation and where else might it be appropriate to take a more risk-based approach?*

Focus should move beyond access and retention and shift towards prioritising a reduction in the attainment gaps that exist in the sector for example, BME students.

The regulator should also ensure that there is follow through on what is promised in access and participation plans. From a value for money perspective, what is committed in an access and participation plan should be spent as detailed and where this is not the case, a justification should be provided and approved by the Director of Fair Access and Participation setting out how the objective was achieved and how the money was spent on enhancing access or participation in an alternative way.

It must also be noted that due to the reliance on metrics, any downturn in access or participation will be responded to retrospectively and therefore at least one cohort of students would already be disadvantaged before action is put in place.

3. *Do you agree or disagree that a new Quality Review System should focus on securing outcomes for students to an expected standard, rather than focusing on how outcomes are achieved?*

Agree.

Whilst we agree with a QA focus on outcomes, we believe that with it is no more effective than a focus on process. What we believe to be key to the success of QA is that sufficient guidance is developed with key stakeholders in the sector.

It is also worth noting that the QA process put forward by the UK Standing Committee for Quality Assessment effectively downgrades the need for effective and robust student engagement which is a significant shortcoming of the framework.

4. *Would exploring methods of assessment, including Grade Point Average (GPA), be something that the OfS should consider, alongside the work the sector is undertaking itself to agree sector recognised standards?*

Neutral to disagree.

The University of Hertfordshire is running GPA parallel to the honours classification system, therefore we are yet to see any of the proposed benefits and outcomes being achieved.

The role of the OfS should be to ensure clarity and consistency of outcomes across the sector therefore any work to improve this should be welcomed, however it should be noted that a top down review of the UK degree classification system is not light touch regulation.

5. *Do you agree or disagree that a student contracts condition should apply to providers in the Approved categories, to address the lack of consistency in providers' adherence to consumer protection law?*

Agree.

The condition should be extended to all providers including those in the registered category.

It is also important that the role of the Students' Union as a representative body is protected and reinforced throughout the whole sector. A further requirement should be that the provider has to fund an independent advice and advocacy services to support students who may need to challenge an element of their contract.

6. *What more could the OfS do to ensure that students receive value for money?*

Value for money should be considered beyond tuition fees. Students and providers enter into many financial and other transactions throughout the whole HE experience and the regulator should take an interest in ensuring local value for money as well as sector level. Providers should have to provide a breakdown of how a student's tuition fees are spent, as is currently provided by HMRC for Income Tax and local authorities for Council Tax. This would create more transparency. Providers should also have to publish how much money is provided by to university services such as catering and the OfS should consider if the funding of these from fees is fair and provides value for money especially if the service is operating a deficit.

It would also be a positive move if there was student representation, from the student representative body, on University remuneration committees and for the records of these meetings to be made public.

7. *Do you agree or disagree that a registration condition on senior staff remuneration should apply to provider in the Approved categories? Are there any particular areas on which you think the OfS should focus on when highlighting good practice?*

Agree.

This should be applied uniformly, without condition, across the whole sector.

Future work should consider other pay gaps across the sector.

8. *What are your views on the potential equality impacts of the proposals that are set out in this consultation? Please provide any relevant evidence if you can as this will support future policy developments?*

The recognition that the market alone will not improve access and participation is welcome. It is acknowledged in the consultation that mature and BME students are more likely to be affected by provider exit. The Director of Fair Access and Participation should have a role in the protection of students in this risk category. The registered category of provider should also have to submit a student protection plan as approved categories have to..

Part 2

9. *Do you agree or disagree that participation in the TEF should be a general condition for providers in the Approved categories with 500 or more students?*

Agree.

Most students welcome the TEF, however it is important that any requirements reflects the independent review that is about the undertaken.

10. *Do you agree or disagree with the proposed ongoing general registration condition requiring the publication of information on student transfer arrangements? How might the OfS best facilitate, encourage or promote the provision of student transfer arrangements?*

Agree.

Institutions must ensure that there is sufficient induction for students who transfer into a provider as well as support for students who decide to exit. Institutions, including Students' Unions, need to be prepared for this change and the specialised support these students may require.

Whilst we fully agree that transfers should be facilitated and processes made transparent, we strongly feel that it should not be encouraged unless it is in the best of the individual student.

11. *Do you agree or disagree with the proposed approach to sector level regulation in chapter 2?*

We welcome the creation of the student panel and that student voice is embedded at a sector level. However we are disappointed that student voice and engagement is set to be downgraded in QA process through the proposed changes to the quality code.

To ensure that Students' Unions are able to be efficient and offer value for money, it is fundamental that they are adequately funded to fulfil their duties. It is impossible to compare SUs due to the significant variations in the funding and definitions of funding that currently exists in the sector.

The OfS should consider how it can work with Students' Unions to support and amplify the student voice across the sector.

Part 3

12. *If you are a provider, can you provide an indication of what category you would apply for (under these proposals) and why?*

No response.

13. *The initial conditions should provide reassurance that providers will meet the general ongoing conditions without creating unnecessary barriers to entry. Given this, are the initial conditions appropriate?*

There should be a general requirement of independent student representation at all providers, with a view to moving towards all providers having a students' union type organisation.

As the intention of the OfS is for students to have confidence in the provision of new providers, it should do more to ensure this by stricter regulation of registered providers, for example regulations on the access and participation should apply uniformly across the sector. Students at all providers should have the same rights and protections as each other.

14. *Do you agree or disagree with the proposed lists of public interest principles in the guidance, and who they apply to?*

Agree.

We believe that they provide the building blocks to good governance, however, they do require scrutiny as on their own they will not guarantee value to the public.

15. *Do you agree or disagree with the proposed approach on the application of conditions for providers wishing to seek a Tier 4 license?*

Agree.

It is welcomed that all providers that wish to apply for a Tier 4 license must be in either of the approved categories. It goes some way in ensuring that students, regardless of where they are from are able to access UK HE at a good provider.

16. *Do you agree or disagree that paragraph 7 and 8 should be removed from schedule 2 of the Education (Student Support) Regulations 2011, which lists the types of courses that allow access to the student support system? If you disagree, are you aware of any courses dependent on these provisions to be eligible for support?*

No response.

17. *Do you agree or disagree with the proposed approach for the benefits available to providers in the different registration categories.*

Agree.

Whilst we agree, we are concerned that students at a registered provider will have different rights to those at an approved provider. All providers should be tasked with improving access and participation and going further through the closing of attainment gaps.

18. *Do you agree or disagree with the general ongoing registration conditions proposed for each category of provider?*

Agree.

We believe that the Conditions A3, F, H, L should also be extended to registered providers.

19. *Do you agree or disagree with the proposed approach to risk assessment and monitoring?*

Disagree.

We believe a risk based approach, based on outcomes is confusing and will always result in a cohort being disadvantaged by a downturn before an adequate response is put into place. There should be a process of routine re-assessment, provided through a process such as HE review which must feature student representation.

20. *Do you agree or disagree with the proposed on interventions (including sanctions) and do you agree or disagree with the proposed factors the OfS should take into account when considering whether to intervene and what intervention action to take?*

Agree.

We are cautious that sanctions i.e. financial penalties, may have a direct and negative impact on students therefore we urge that the impact of a sanction on students is considered before being applied.

21. *Do you agree or disagree with the proposed approach the OfS will take to regulating providers not solely based in England?*

No response.

Part 4

22. *Do you agree or disagree with what additional information is proposed that the OfS publishes on the OfS Register?*

Agree.

We believe that the register should be presented in a way that is accessible to all students and their parents/guardians. We would also urge that access and participation plans are published.

23. *Do you agree or disagree with the principles proposed for how the OfS will engage with other bodies?*

Further clarity is needed on how students will be protected from falling between agencies such as UK Research and Innovation for PGRs and the Education and Skills Funding Agency for Degree Apprenticeships. All agencies should feature robust student engagement processes.

24. *Do you have any comments on the proposed exercise of OfS function in relation to validation, in particular in relation to ensuring that the validation service is underpinned by the necessary expertise and operates in a way that prevents or effectively mitigates conflicts of interest?*

Disagree.

We fundamentally disagree with this move. It is not appropriate under any circumstances for the regulator to become a provider.

It is not clear how the OfS will ensure the long-term value of their qualifications if they are able to validate degree nor how it will separate its role as a regulator and validator. Further to this, it is not clear what rights and protections a student with a qualification validated by the OfS would have, particularly access to independent complaints and appeals.

25. *Does the information provided offer a sufficiently clear explanation of how a provider will apply for registration in the transitional period and what the consequence of registration are in this period?*

No response.

Annex C

26. *Do you have any comments on the above proposal of how the OfS will act as the principle regulator of how the OfS will act as the principle regulator of exempt charities?*

No response.

27. *Provided that the Secretary of State considers OfS regulation is sufficient for these purposes, should exempt charity status apply to a wider group of charitable higher education providers? In particular, considering that providers in the Approved categories will be subject to conditions relating to Financial Sustainability, Management and governance and the provision of information (as set out in the guidance), do you have any views on whether the OfS's proposed regulation of providers in these categories would be sufficient for the purposes of it carrying out the functions of Principle Regulator?*

No response.