



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: **Rebecca Howe**

Organisation (if applicable): **Oxford University Student Union**

Address: **2 Worcester Street, Oxford, OX1 2BX**

Email Address: **president@ousu.ox.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

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
x	Representative Body (Student Union)
	Research Council
	Trade union or staff association
	Other (please describe)

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?

We are concerned about the potential equality impacts of some of the proposals and plans in this consultation. As stated later in our response, we are adamantly opposed to linking the TEF to increased fees, as we believe this could negatively impact on the choices available to students from socioeconomically disadvantaged backgrounds. Research shows that students from lower income backgrounds are more likely to be debt averse, and therefore more likely than their wealthier peers to

opt for shorter courses nearer to home¹. In a climate in which maintenance grants have just been abolished and cuts made to the Disabled Students Allowance, we are concerned that allowing Higher Education Institutions (HEIs) to increase fees would be a further access barrier for students from disadvantaged backgrounds.

We also do not think that the TEF should have such a great focus on employability, or use employment metrics. As there exist significant pay gaps for women, BME and disabled people², making employment after university a direct reflection of teaching quality – when there are clearly many more factors involved - seems perverse.

We do not believe that this consultation offers proposals about improving access in a way that takes into account intersecting protected characteristics or socio-economic backgrounds. Setting such broad targets around BME access and retention, for example, not only ignores the differences in participation and retention levels within this group, but also does not consider the complex interactions between factors that might make a student less likely to attend and succeed at a HEI. Whilst we welcome the provision of greater information to students about the quality of teaching at institutions, we do not believe that information will in itself address the broader barriers to participation in higher education.

We are very much in favour of the introduction of Sharia compliant loans.

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

☒ **Yes**

☐ No

☐ Not sure

Please provide any further relevant evidence.

We are very concerned that the Green Paper does not adequately take into account the impact of the proposals on students with disabilities. Moreover, we are concerned that the Green Paper fails to assess the impact of proposals in relation to gender reassignment, pregnancy and maternity, sexual orientation and religion or belief. The Green Paper also fails to consider at all the impacts of the proposals on international, mature, or part-time students, who have all been affected by recent changes to higher education.

The Consultation does not consider the potential equality impacts of the proposals upon the progression of students into postgraduate study after higher education, but instead focuses solely on employability after higher education. This has equality implications for the reasons already given.

¹ Callender and Jackson (2005) 'Does the fear of debt deter students from higher education?', *Journal of Social Policy*, 34: 509-540.

² HESA; ONS 'Earnings by Gender'; Malcolm Brynin, 2012 'Understanding the ethnic pay gap in Britain', *Work, employment and society*, 26 (4): 574-587; EHRC (2009) Pay gaps across the equality strands: a review

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

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

We are sceptical of the notion that the TEF will at all influence the opinions of employers or future students about the quality of HEIs. Employers are likely to remain committed to a vague notion of the reputation of a HEI, rather than referring to that institution's TEF rating. Similarly, potential applicants are unlikely to base decisions on a new and untested educational framework. We predict that they will continue to base their decisions on aspects such as course, location, reputation and even the standard offer requirements. Potential applicants will also have their decisions guided by factors that occur significantly before the application stage, as discussed in our answer to Question 1.

We believe employability and preparation for employment come from a combination of: the structure of the curriculum, opportunities for work-based placement, internships and ensuring there are practical elements to study. Although we recognise the huge importance of teaching in a university setting, we do not believe there is much benefit to employers in using the TEF to differentiate between candidates for a job.

The TEF is therefore, in our opinion, of limited use for either students or their prospective employers in assessing the quality of an institution, especially in its current vague guise. This will especially be so in year 1, where the TEF will be based on meeting current UK standards, which the vast majority of institutions will achieve. There will therefore be no meaningful differentiation.

Furthermore we remain sceptical of any metric, or limited set of metrics, that attempts to quantify the quality of an educative experience. The suggestion that metrics used in the TEF will change in time (in response to evaluation of those metrics) is reasonable, but it essentially admits that the initial baskets of metrics will be untested and potentially deeply unreliable indicators of quality. The reliability of the TEF as a guide will also depend on whether HEIs decide that the effort of applying for higher TEF levels is worthwhile, which is questionable.

If the TEF is to be introduced, the importance of both collecting satisfaction data and asking students for qualitative reports on the quality of their education experience is paramount. This may however differ between institutions – for example, increasing the number of contact hours at our University may conversely reduce satisfaction, if it adds to an existing perception of excessive workload.

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.

The TEF seems like too blunt an instrument to apply across all providers, disciplines and levels. We cannot see how any batch of metrics could possibly be applied to the diversity of higher education, across disciplines, institutions and higher education levels.

The nature of higher education provision in 2016 is incredibly diverse. The way in which students are taught (via lectures, seminars, tutorials, practice-based work, professional assessments and more) ranges massively. A lecture at a Russell Group and a practical workshop at, for example, a Million+ University will have radically different styles and modes of teaching. We believe applying a metric and observing this 'teaching' under a similar microscope is a flawed concept. Higher Education is not easily comparable due to the size and breadth of the sector.

It is also disappointing that TEF (and the Green Paper broadly) is designed almost entirely as an undergraduate measure. With the exception of a couple of cursory references, it is clear that the Green Paper makes no attempt to discuss or influence postgraduate taught course quality, which we consider a major omission. This is not to say that we would welcome introduction of such a measure for the arguably more varied field of postgraduate taught courses; it is more to question the validity of the planned framework.

We consider that an across-the-board approach would not be appropriate, and would fail to take into account the various innovations in education between and within institutions. As discussed in Question 2, our data from undergraduates at our University suggest high value is attached to the tutorial system, which by definition involves fewer contact hours than at many institutions. This would not be captured by the broad-brush approach proposed with the TEF. We think the lack of recognition of uniqueness would do a disservice both to our institution and to others.

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?

While we welcome recognition that HEIs need to do more to improve access from non-traditional backgrounds (and to improve the existing Access Agreements that come with this) we feel strongly that linking access to TEF – and hence to fee increases for high-performing institutions – is a perverse move. This will create a two-tier system, where students will have to choose between paying more for a higher-quality institution, or less for an institution at a lower TEF level. At an

institution like ours, which already has significant barriers to application, this could be disastrous for our attempts to improve access. It is also disingenuous to suggest that these issues arise from insufficient information provided by Higher Education institutions about themselves, and that therefore TEF would rectify this. We therefore agree with extending the system of Access Agreements, but regardless of a link to TEF.

The recent fee increases may not have impacted on the overall percentages of young people from disadvantaged backgrounds entering higher education, but this fails to recognise the impact on, for example: course choice, institution choice, mode of study (noting the decimation of part-time study), and experience while on-course (for instance, stress caused by debt, affecting progression). We as of yet have no data on how this affects progression into postgraduate education (since £9000 fees were only introduced three years ago). An argument that the rise to £9000 has not affected access does not give any justification for raising tuition fees further – and especially where this would be linked to high-ranking institutions.

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.

If the definition of "success" is linked to the current Quality Code, we are reasonably content with this assessment. We would however express concern that at an institution like ours, due for a QAA review this March, the quality of the institution would be based on a 6-year-old assessment. On the question of incentives, we are not in favour of these in general. However if alternative providers demonstrate similar quality, we feel opening incentives to them seems fair.

We are not in favour of the move to differentiated levels. It is unclear from the Green Paper exactly how this will operate. However, further to our previous response, we disagree in principle with linking teaching quality to fees, and are therefore firmly opposed to the plans for differentiated TEF levels after year two. This question essentially reads as whether we support the marketisation of education, something we are entirely against. This is especially crucial at our

institution (for the reasons discussed earlier) but is also concerning for Higher Education more broadly. For institutions with lower ratings, this can be damaging to the prospects for students who have attended those institutions in good faith, particularly if that institution is essentially allowed to fail.

While the differentiation process is not clear, the detail given in the Green Paper leaves several questions that concern us. First it is difficult to see how a series of subject-specific TEF ratings can be aggregated in any meaningful way that allows comparison between HEIs offering vastly different balances of subjects. A second concern, which will require great thought during the technical consultation, is how TEF ratings are constructed. From the initial view, and as detailed in later responses, we are deeply concerned that TEF ratings will be built on very shaky foundations using questionable metrics. Given the ramifications of differential TEF ratings, this makes us strongly against this proposal. Finally the speed at which this would be introduced (in year 2) without any real opportunity to evaluate the metrics seems a very questionable move.

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 proposals on timing seem reasonable, to avoid undue bureaucracy. Having just completed our Student Written Submission for our QAA Review, we hope that if student opinion is sought – as it should be – the timings of assessment should coincide with any assessment as part of quality assurance processes, to allow for maximum student engagement.

With respect to panels, we agree with maintaining an assessment method decided by academic staff, and cannot see how “employers” (however these are chosen) can give an accurate assessment of teaching excellence.

It is very difficult to answer this based on the details in the Green Paper, and we hope the technical consultation will provide greater detail. We are in favour of publishing the results of all criteria used by panels, in the interests of both

transparency and of being able to separate out the reasons why a TEF rating has been granted. However we are concerned at several aspects of the process raised.

First it is ambiguous whether Grade Point Averages will play a role within TEF assessment. This would be difficult at our institution, which is against GPA on principle, and it would be questionable whether this is a good measure of teaching excellence. Second, we are concerned about the cost of the TEF process. This would especially come into play if HEIs start appealing decisions – which we consider likely to occur if the result is unsatisfactory, given the arbitrary nature of the TEF's proposed metrics. As these costs are laden on the HEI, this may take money away from other student-facing services. Since we question the value of the TEF, this would be of great concern. Finally, we are cautious about how it will be possible to provide comparability across panels in vastly different areas, but await further information about this.

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 do not have any strong views on this question, beyond our answer to Question 6 – especially without the detail that will come in the technical consultation.

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.

As expressed in our answer to Question Five, we are strongly opposed to a differentiation model, particularly where this is linked to tuition fees. Where an institution provides excellent teaching – as recent Quality Assurance reviews have determined ours does – we would not want to see this linked to higher fees, and the access implications we believe would come with this.

We are especially opposed to the move of fee-setting powers from Parliament to Government. This will deny any proposals the scrutiny we believe is crucial, and is a deeply undemocratic move. It also casts doubt on the Government's claims to respect institutional autonomy and have the Office for Students at arm's length.

Once again, we are sceptical that TEF-level will be used as a determination of quality by applicants and/or other stakeholders. We predict that applicants would continue to choose their universities and courses based on location and scope of course. Once again, any value depends on whether institutions believe the cost of applying for higher levels is reflected in the minor gain, which seems unlikely.

The subject-specific nature of TEF makes sense within the wider model, but we do not think the model itself makes sense. Subject-specific assessments take into account the fact that quality can differ between courses within an institution. However this is completely undermined by an aggregated overall award, which will fail to present these differences. It is unclear how this aggregation can be done in any meaningful way to benefit employers, applicants or universities themselves.

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.

Given our concerns about the differentiation by TEF level and the way that this will be measured, we are vehemently against linking this to “incentives” in the form of fee increases. If universities such as ours are able to charge higher fees simply as a result of being seen as “high-quality”, the access implications will be profound. We already know that the University of Oxford has a significant access problem especially with respect to BME students and students from certain socio-economic backgrounds; coupled with the debt aversion found in these groups, this move can only intensify what is already a major barrier. This is contrary to both our and the Government’s aspirations to improve access and success among these students.

Beyond the access implications, we also see no real connection between the quality of a course and the cost of that course. This is already evident in the range of prices in unregulated fees (for example, home postgraduate taught fees, and international fees at all levels), which are more likely to reflect cost of provision, or simply demand. It will also prove difficult for an applicant to make an informed decision when institutions may choose not to seek fee increases for perfectly legitimate reasons (to encourage access, or simply because the bureaucratic cost of participating in TEF is too high). The latter of these reasons is foreseeable given the negative responses already seen from HEIs to the Green Paper’s proposals.

Finally increasing tuition fees will do nothing to incentivise participation in higher education among those who already perceive the costs to be too high (especially disadvantaged groups as already referenced, and mature students deciding whether to return to education). It will also perpetuate rather than alleviate concerns highlighted in the Green Paper that students hold about “value for money”.

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

☐ Yes

☐ No

☒ **Not sure**

Please give reasons for your answer.

We agree that teaching quality, learning environment, student outcomes and learning gain are important factors in the concept of teaching excellence. We believe quality often reflects frequent, active contact with academic staff (as found in our tutorial system), and useful feedback by academic staff on written work. However, we do not believe these concepts can be easily quantified. We do not think that sector-wide metrics will improve the teaching quality experienced by our students. They will create more bureaucracy and may actually distract from our more focused work on promoting quality teaching with our own institution.

Two examples of how metrics could prove counter-intuitive to improving teaching excellence are in contact hours and use of National Student Survey (NSS) scores. At undergraduate level, our institution favours small-group tutorial teaching over use of more lectures and classes, with students encouraged to spend more time carrying out private study. Given our success in DLHE data, this is demonstrably a skill appreciated by employers. However, a blunt instrument of contact time would fail to capture this, instead favouring a course with increased time spent in lectures. Similarly, NSS, while of use to us at capturing student satisfaction across the institution, carries problems. It captures students' prior expectations of university (guided by their education background) as much as perceived teaching excellence. This will again produce results based on student intake, making comparisons incredibly difficult. We discuss this further in our response to Question 11.

The Green Paper's broad references to skills development, intellectual stimulation, students' challenge and student engagement in the curriculum do nothing to convince us that the TEF will successfully quantify teaching quality. The paper's allusions to learning environment are even more vague.

The vague references to student outcomes and learning gain are of greater concern. It would be particularly difficult at highly competitive institutions such as ours to demonstrate "value added" given our students arrive with the highest levels of qualification and are not assessed on a continuous basis.

It is also clear that "outcomes", especially in terms of employment, reflect pre-University background as much as the University teaching experience, and therefore make any use of employment data to evaluate teaching excellence limited at best. This could create an incentive for HEIs not to promote increased access from groups whose leaving salaries are typically lower, for example, women and BME students – which could severely harm attempts to improve access from these groups. It also discourages HEIs from encouraging their students into postgraduate study (and academia generally) if this produces lower starting salaries than, say, entering employment in the finance sector. This is damaging for the UK's science and technology agenda, as well as for Higher Education broadly.

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 Destination of Leavers from Higher Education (DLHE) results, NSS scores and retention data are all useful sources of data. The NSS is filled out by final year undergraduate students primarily as a reflection on the quality of their university experience. These data are useful, but in the Survey's current state, and with proposals for changing the survey in the near future, we do not believe it is an appropriate benchmark or baseline for the TEF to rest on. The timing of the NSS (midway through a student's final year), also fails to capture students' satisfaction with the course overall – including final assessment and results.

Furthermore these metrics are proxies: they do not measure teaching excellence (as acknowledged in the Green Paper) and do not bring anything new to the table. We have similar misgivings about using metrics in REF, as discussed later. Once more, we believe that DLHE in particular reflects the initial intake of the institution at least at much as the education received once there. We are also sceptical of using new and untested metrics given the implication for fees (as discussed in Question 10). If employment data are used, this should cover a longer period post-graduation than DLHE, which focused only on a graduate's first job. First jobs can be anomalous, and are less likely to reflect the quality of the education received than a longer-term measure of employment outcome.

As acknowledged, these measures will need to be supported by evidence put forward by individual institutions. This would obviously be the source of evidence most sensitive to institutional context but will not be easily comparable. They will also need to reflect the (often worthwhile) variation in teaching excellence between institutions, and will need to prevent the stifling of innovation in teaching practices. We cannot see how this can take place when universities are assessed by a limited set of metrics.

We are supportive of the suggested inclusion of evidence that students help to shape their programmes of study where appropriate. The suggestion of comparing contact hours must be sensitive to the quality of those interactions – particularly for institutions like ours with fewer hours of teaching, but where these hours are more focused and in small groups that allow for individual attention.

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.

We are deeply concerned about the access and success of students from disadvantaged backgrounds and therefore support stretching targets for institutions. However, these are already in place via OFFA and the further proposals add very little provided that Access Agreements are retained (if not extended). We believe that linking access targets to further differentiation of fees via TEF will result in a market in quality at the detriment of access, accentuating the problems that occur long before universities begin to influence potential applicants. We therefore support the proposals to improve access and success, but are deeply concerned that the methods proposed in the Green Paper will damage this aim.

We would strongly support increased provision of relevant data, and this is why keeping the universities subject to Freedom of Information Act requests is crucial, as we outline in a later response. We also support removing names from applications but suspect that the overall impact will be minimal given that the recent UCAS investigation did not find systematic discrimination in admissions across the sector. Our own institution has particular difficulties in this area, not least because of face-to-face interviews, but these will not be solved by the proposal.

We must also stress that access does not stop at admissions – it is crucial that Access Agreements, written in conjunction with students, demonstrate a commitment to improve the educational experience for BME students, students from disadvantaged backgrounds, and other groups whose success is often limited by existing structures. This may include improving the breadth of curricula, ensuring flexible working conditions (including part-time provision) and providing an environment in which discrimination in all forms is challenged.

- 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.

It is very important to ensure that institutions set stretching Access Agreements and take decisive action to make the progress needed. Institutions that fail to do so need to be scrutinised. However, if an institution is failing, we are not convinced that another set of targets is likely to be effective. Working constructively with those institutions may produce better results.

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

Pupils at the lowest performing schools are, through no fault of their own, highly unlikely to get the grades needed to enter highly competitive institutions such as our own. The government needs to do much more, far earlier in the education system, to close attainment gaps that limit pupils' future opportunities. We believe working with schools is by far the biggest area where Government intervention would affect access to higher education.

The Government should also work to reverse the decline in part-time study, an issue that specifically affects mature students and students with parental and caring responsibilities. Postgraduate loans and recent moves by Research Councils have promoted part-time study at postgraduate level; this welcome move should continue.

Question 13:

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

We believe that releasing additional information from UCAS will improve the amount of contextual data available, and will be of considerable help to both HEIs and central Government. This is crucial in order to ensure access begins to be resolved earlier.

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

No response.

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.

The new measures speed up access to degree-awarding powers. This would be of concern if the accelerated path does not give sufficient time to appropriately assess the quality of the institution via the HE Review – especially in a situation where (based on the Green Paper) it is simpler for institutions to essentially “fail” and close based on failing a TEF. Other than this, we do not have further comments on the proposal.

Question 15:

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

☒ **Yes** ☐ No ☐ Not sure

Please give reasons for your answer.

We question the need for further institutions in the vague pursuance of student choice, given the number of HEIs that already exist. If the aim is to drive up teaching excellence, we question whether increasing the number of institutions with DAPs – rather than ensuring quality at current institutions – will do this. Our concern is that too many options may actually make student choice more difficult.

However on the specifics of the proposal, we do not oppose the risk-based approach, provided institutions are assessed effectively for quality before DAPs are awarded. Increasing the number at an accelerated pace may adversely affect students if it later transpires that the quality does not meet UK standards, and their degrees are treated less favourably by employers. We also believe a minimum number of HE students is important to create a positive educational experience, although have no problem with, for instance, the number of Further Education students relative to HE students.

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

No response.

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

☐ Yes ☒ **No** ☐ Not sure

Please give reasons for your answer.

As per question 15, we question the need to increase the number of HEIs, and therefore these proposals to speed up entry. This guise of added choice will do nothing to improve teaching quality, and if lower-quality institutions are rushed into existence, this may adversely affect the perception of UK higher education. This could affect students' employability across the board, and is particularly problematic for an institution like ours whose applicants and competitors are global. There is also a risk of increased unfilled spaces and possibly course and institution closures, damaging the experience for students who have chosen those institutions.

We believe there is a fundamental incompatibility between encouraging and speeding up the process of more HEIs into the sector, and increased desire for more comparable teaching standards. The larger the HEI sector, the more diverse the provision and delivery of higher education becomes. We are not against more HEIs in the UK, but are deeply concerned that each of these institutions will have their teaching judged against a set standard which will clearly benefit some over others. This may put a “non traditional” HEI at a disadvantage - while their teaching may meet the expectations and needs of their own students, the metric used to judge them may show their teaching as comparably poor.

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.

Based on application rates and QAA reviews, we do not believe provider exit is likely for our institution. As such, for us, it may be an unnecessary additional move. In general, however, we agree that institutions should have contingency arrangements to protect students from adverse effects of provider exit or course closure.

However from a wider perspective, as alluded to in our response to Q14, we are concerned about the implications for Higher Education if providers are left to fail, rather than encouraged to improve teaching quality. Provider exit should be considered a last resort, whereas the Green Paper seems to see it as an inevitable part of student choice. This is deeply problematic for students of these institutions, who are subsequently left with degrees from institutions deemed to have “failed”.

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.

The proposed changes to the Higher Education architecture could have a significant impact across the sector. Combining HEFCE and OFFA into an 'Office for Students', which would also have oversight of the TEF and possibly HESA, would have the potential to be a framework underpinned by very different principles from the current system. The paper claims that the 'Office for Students' will 'promote the interests of students, employers and taxpayers' to ensure value for money. There is, however, very little detail on how this will be the case. If the Office for Students features students at all stages – including the setting of an initial structure for the Office, and in its strategic direction throughout – this would be a positive step, and we (along with other students' unions, undoubtedly) would be able to participate in this. Without student involvement throughout, this name would be merely superficial.

With respect to "employers", we believe this is far too broad a category to distinguish beyond taxpayers generally, or to make general conclusions about. We are also worried that the TEF may contribute to a wider trend of employers using Higher Education as a tool in which they can reduce the amount of internal training and development they can bring to their graduate workforce. While we welcome employability and career skills in our curriculum, the responsibility for training and development must not lie solely with HEIs.

If this change does indeed streamline administration and the associated costs, that is a positive step; however, if this compromises the functionality of the Office, it will be a significant roadblock for the development of the sector. If the current OFFA duties are compromised, this could challenge the Government's goal of improving access to Higher Education. With respect to HEFCE's current duties, we are deeply concerned by the implications the 'Office of Students' would have for university researchers, including postgraduate (research) students. We are very surprised that the paper makes no mention of what will happen to the research grant allocation function of HEFCE. Postgraduate researchers are students too, but are seemingly not covered by the Office for Students. Until this is clarified and given sufficient attention, we cannot endorse this infrastructural change.

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

If this is in a similar fashion to the current contracting-out by HEFCE to the QAA, we feel this arrangement has caused no problems. However this should be implemented with caution – we believe there should remain oversight over the process, and we would be strongly against – for instance – contracting-out of these services to private providers based on tendering. We believe contracting-out should only occur when this would provide greater expertise, and where in the student interest.

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

This is difficult to answer without further information, but the decision should be made carefully each time following consultation with interested parties, including students. However, as above, quality assurance and access are two potential areas to avoid conflation with the interests of the TEF.

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

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

☐ Agree ☒ **Disagree** ☐ Not sure

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

☒ **Agree** ☐ Disagree ☐ Not sure

Please give reasons for your answer,

We do not believe that allocation should be dealt with by BIS centrally, and would be better placed with those more closely engaged in Higher Education. This allows for strategic planning by avoiding significant changes to Higher Education funding resulting from changes of Government policy (or, indeed, changes of Government). There also needs to be considerable thought about how postgraduate funding (both at taught and research levels) is handled, and this is discussed further later.

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.

The proposed framework would give baseline requirements for quality, information and student protection. In theory, this would give students more control over their higher education experience, and we would be in favour of this. We hope however that, despite creating a single system, careful attention will be paid to creating a framework that takes variations in institutions into account.

We are unsure how the need for a “level playing field” balances with the distinction of “low risk” providers, and hope that quality is ensured across the board.

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

We are deeply concerned about the wording of this section. The reference to “trade union reforms” suggests restrictions on, say, required turnouts or referendums. We are already required by law to have our expenditure monitored, and to publish our financial reports to both the University and all students (s.22 Education Act 1994). Our accounts go through our Council, which all students can attend, and we see no issue with our finances’ transparency accordingly. Any further steps would therefore be unnecessarily bureaucratic, especially for the smaller Common Rooms (which, for s.22 EA 1994 purposes, constitute student unions) at our institution.

We would be strongly against shifting the decision of whether we are acting “transparently” and in an accountable way away from the University (who, in our case, currently monitor this via a joint committee comprising students and academic staff) and towards central Government, especially in an institution like ours where the Student Union’s role is very different from at other institutions due to our collegiate system. It is also difficult to cohere a call for greater transparency from Student Unions with a discussion about exempting HEIs from the Freedom of Information Act. This would not only reduce transparency, but also limit Student Unions’ ability to “represent students’ views” and “hold providers to account”, as the Green Paper acknowledges is our purpose. We believe our role is incredibly important for fulfilling the Government’s ambitions – it is only through full-time student officers sitting on the University’s decision-making bodies, as we do, that change can be enacted. Furthermore, we are able to garner student opinion across the University, and to ensure students are represented – not least in our drive to increase voter registration for national and local elections.

However, we do see this as an opportunity for the Government to clarify some of the complications that occur with our finances that come as a result of competing legislation (the various Charities Acts, Companies Acts, and the Education Act 1994). It is crucial that elected students continue to be trustees of their Student Unions, precisely in order to permit transparency; the requirements of charity law do, however, constrain our ability to be fully transparent (for instance, because regardless of any consultation with students, the final duty to agree finances and balance risk lies with the trustees).

That said, we (like many students' unions) have a trustee board comprised to ensure student involvement, balanced against good management. Having the six sabbatical officers on the Board is crucial to ensuring the strategic aims of the organisation are reflected in its daily activity. Student trustees, along with the Sabbatical Officers, serve to represent the student voice in the trustee board's proceedings. Finally external trustees provide a useful sounding board and bring invaluable experience, and along with student trustees, form a majority over Sabbatical officers.

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.

We are concerned about the extent to which political influence could change the new 'Office for Students' on an ever-changing basis. We believe that the higher education sector should have a degree of independence from Government, and hope that if the Office for Students is created, BIS empowers them to operate at arm's length. We do not necessarily think that one agency will empower and protect students any better than the current multiple agencies already do.

With respect to the duties and powers, we wish to repeat comments elsewhere expressing our concerns about TEF (especially how this will promote teaching excellence) and the granting of DAPs, among others. We are unsure how the Office for Students is going to "promote the interests of students" based on the Green Paper – especially given that the Paper only discusses undergraduate education. Furthermore research will always play a role in student experience, questioning how well this aim can be achieved with research will be handled elsewhere (unlike the current situation at HEFCE). We hope that the Office for Students will support and work with student unions to guarantee this. Finally, we are happy with the continuation of the duties of the Director of Fair Access, and hope this role essentially continues unchanged.

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

☐ Yes ☒ **No** ☐ Not sure

Please give reasons for your answer.

This strikes us as an attempt to remove central Government funding from a service that the Government sees as essential to improve teaching excellence. Especially given the doubts we have expressed over TEF, we see it as counter-intuitive to charge this to HEIs. As mentioned earlier, this will only take money away from HEIs' ability to provide student services, and in turn, teaching excellence.

Question 22:

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

☐ Yes ☐ No ☒ **Not sure**

Please give reasons for your answer.

We find this concerning. The Office for Students will be able to inspect an HEI if they are suspected of breaching conditions of receipt of public funding. While we were content with quality assurance processes, it seems problematic to allow BIS to essentially enter institutions at will. It also seems counter-intuitive to impose monetary penalties on failing institutions, adding additional financial pressure that will inevitably drive down the ability to provide teaching excellence.

We are strongly against the fee-setting power being shifted to either OfS or the Secretary of State, rather than Parliament – for the reasons given earlier.

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

We are unsure how these powers can be merely safeguarded against.

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

☐ Yes

☒ **No**

☐ Not sure

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

We are content with the measures related to the Privy Council and HECs. However we are strongly against any plans to exempt any HEIs from the Freedom of Information Act (FOI). We believe FOI is fundamental to students' ability to hold their institution to account, and to make informed decisions about their education. If anything, we would propose extending FOI to any recognised HEI, in order to create an open field where students can ask questions of their institution. It is also unclear how the taxpayer can hold institutions to account without the threat of FOI.

While we recognise the financial burden of FOI, it seems counter-intuitive to discuss this relatively small cost, while also burdening HEIs with the cost of the new Office for Students. We believe there are changes that could take place to FOI – for example, we are aware of situations where colleges at our institution would have disclosed information anyway but are forced to follow the bureaucratic FOI procedure because the request was made citing the FOI. It is also more important to us that students at an institution can seek information, than those outside the institution; however, the Green Paper does stress the importance of accountability to taxpayers more broadly.

For us, maintaining FOI is crucial to accountability. We also believe it is important that HEIs continue to be bound by the Public Sector Equality Duty, in order to fulfil the duties outlined in our response to Question 1 and with respect to access.

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?

There are significant advantages of the current institutional framework, and it is not clear at all where HEFCE's research functions would go under the proposed architecture. We are concerned for the implications for postgraduate support, and hope that this is clarified. We are also in favour of dual support, as discussed later.

We welcome the Nurse Review's comment expressing the commitment to postgraduate research (PGR) support. This is essential if we are going to continue excellence in UK science and research, by creating the next generation of early career researchers. In contrast, the Green Paper entirely ignores PGR students, and indeed the knowledge exchange and benefits of linking teaching and research. PGR students form an integral part of the research endeavour at our institution and others. We welcome the Nurse Review's commitment to separate Research Councils, particularly as this is useful for ensuring PGR funding across disciplines. This should be maintained in line with the Haldane Principle, in part to protect the balance of funding between arts and humanities, and the sciences.

We are unclear where the loss of HEFCE, which reflects the interplay between teaching and research, leaves the link between teaching and research. Contrary to the demarcation suggested by the Green Paper, the two form a key partnership, especially at research-intensive institutions such as ours. Students value the benefits of being taught by leading researchers, and student satisfaction data does not support the idea that research-intensive universities do not promote teaching excellence. Furthermore, the importance of postgraduate funding cannot be underestimated: this provides for the best lecturers and tutors for the next generation of students, as well as the next researchers for the benefit of research excellence.

Question 25:

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

We do not have strong views on how this would work in practice, but are in favour of dual support for the reasons outlined in our response to b) below. A system whereby the two streams are separated from the outset (when money is allocated by the Treasury) and handled separately throughout would seem integral to maintaining dual support 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

We support an assurance of dual funding. Contrary to the tone of the Green Paper, we believe that research excellence does breed teaching excellence – a safe environment for research funding provides world-class researchers, who are able to impart this knowledge to students. Dual support helps to encourage this research excellence – it provides the most secure infrastructure for HEIs, but one that also permits innovation by academics but also by students, especially in the sciences.

Research Council funding is crucial to the future of postgraduate study, both at PhD level but also, importantly, to bridge the gap by providing taught Masters funding. The combination of this with security from the current HEFCE research funding allows for a positive research environment, benefitting academics and PGRs, and also the undergraduates and Masters students they teach.

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?

We do not have any major comments on REF, which we see as a significant exercise but one that ensures high-quality research is properly funded. However ensuring research excellence in turn ensures a good environment for teaching of the highest level, for the reasons given earlier. It also has positive effects for encouraging retention of key staff – who are often also key tutors and supervisors.

In order to protect this – especially for early career academics – it is important that the REF exercise is clear and transparent, and as far as possible, laid out well in advance for clarity. For example, there is confusion around open access at the moment, something that affects PGR students who are submitting papers as much as senior academics. The exercise must continue to be strongly evidence-based, and not on questionable metrics that may affect the exercise's integrity.

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

While we do not have a strong review, we believe that greater continuity between exercises would be of benefit, especially to early career researchers who can preempt how this will affect them in future. An efficient REF system benefits students by allowing academic staff more time to focus on teaching and supervision.

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

There is a reasonable amount of duplication of effort, with multiple bodies requesting similar information from academics – something that sometimes filters down to postgraduate research students, especially those funded by Research Councils. An increase in joined-up thinking, and especially joined-up data collection, would be of benefit. This will obviously also feed into the TEF, as the problems that affect data analysis in the REF will inevitably recur in the TEF.

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