

UCL Response to BIS Green Paper consultation - Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice

January 2016

Public Sector Equality Duty

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

We do not think it is possible, at this stage, to evaluate the equality impact, given the level of detail in these proposals.

1b. Are there any equality impacts that we have not considered? Please provide any further relevant evidence.

Not sure.

Teaching Excellence Framework

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.

Until details of the proposed Teaching Excellence Framework (TEF) assessment process are published, we are not able to comment specifically on how these will enhance the information that is currently available. We therefore note some general points on the principles expressed in the Green Paper.

There is undoubtedly a benefit to students and to employers in the general provision of comprehensive information about higher education providers, particularly if such information facilitates

meaningful comparisons. However, we at UCL question whether this can be achieved for measures of teaching quality.

Student satisfaction metrics – whilst important – are not directly correlated with teaching quality, nor with academic standards. It is therefore misleading – and potentially damaging – to suggest that institutions should be rewarded for high ‘teaching quality’ if this is actually expressed, to a large extent, in terms of how satisfied students are with their programmes. The potential for confusion and misinformation is compounded where high satisfaction results (potentially) in higher fees; in such circumstances, students may be incentivised to report lower levels of satisfaction, or to report higher levels in order to raise external (employer) perceptions of their institution.

We also question whether employers will be able to make use of the detail in a complex TEF (any system for measuring ‘teaching quality’ will almost certainly be complex). The Green Paper implies, for example, that employers may wish to track employment outcomes for previous cohorts at individual institutions across the sector. It is more likely, given the financial and operational constraints on employers, that only TEF headlines will inform their decisions, to the potential detriment of individuals seeking their first graduate position.

We note also that higher education is not a straightforward market. Students’ socio-economic and familial circumstances play a significant role in shaping their decisions about where to study, as does temperament and cultural capital. The choice of a university for a first degree is rarely as simple as choosing the ‘best’ university for one’s subject and making applications accordingly. Even if it were possible objectively to classify institutions for ‘teaching quality’ in a straightforward manner, this is only one of the factors that influences students’ perceptions about what is feasible and appropriate at this point in their lives. In our experience, retention (one of the proposed measures of the TEF) is often less of a problem in research-intensive universities. We therefore caution against the assumption that a TEF could significantly improve the information available to students in ways that will materially affect the decisions they are able to take, regardless of the format adopted.

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?

Not sure.

We have concerns about the motivations behind the proposal for a TEF and, in particular, the implication in the Green Paper that research-intensive universities do not prioritise teaching and therefore do not seek to provide a high-quality student experience. We recognise that appropriate reward and recognition for teaching is a challenge in research-intensive universities, and this is something that we, and others in the Russell Group, are addressing as a high priority. Nevertheless, contrary to some of the statements in the consultation document, it is certainly possible for outstanding teachers to access opportunities for career and pay progression and these are comparable to those of outstanding researchers. Additionally, as a research-intensive university, committed to academic excellence in the round, we prefer not to separate the two: we are clear that teaching and research are both central functions of a university. We are responsible for training not only the next generation of researchers, but also those whose work outside academia will be informed by future developments in research. Indeed, at UCL, our 'Connected Curriculum' initiative demonstrates how the two can be embedded within taught programmes to inspire and educate students. We therefore question the assumptions that appear to underpin the proposal for a TEF, however it might be constructed, and to whomever it might apply.

We also note that many of the proposals in the Green Paper are underpinned by a relatively narrow employability/economic model for conceptualising the role of universities. We would welcome explicit recognition in future proposals that universities are about more than directly increasing economic productivity and that the benefits of the higher education sector for economic productivity. If a TEF is introduced, then we agree in principle that it should be open to all HE providers, all disciplines and all modes of delivery (although we note that the Green Paper has only a very limited amount to say about mature and part-time students, which we consider a serious omission). We have major reservations about whether a TEF could be meaningful in a postgraduate context, where courses are much more highly specialist, and the possibility

of aggregating comparative data to inform decision-making between courses is even more challenging than for undergraduate students. We also have serious concerns about the implications of a TEF which is linked to fees for postgraduate study, not least because of the principle of sector and institutional autonomy. There is therefore an urgent need for greater clarity on the government's ambitions for TEF in the context of postgraduate study.

Finally, and despite the proposed invitation to institutions in the devolved nations, we are concerned that the TEF will only apply to English universities. Our view is that this has the potential to unbalance the UK HE sector for prospective overseas students and funders and runs contrary to the principles of transparency and comparability which the Green Paper seeks to embed.

4. Where relevant, should an approved Access Agreement be a pre-requisite for a TEF award?

[Our response to this question and to questions 12 and 13 draws from, and is aligned with, the response prepared by a group of heads of widening participation teams from several research-intensive universities.]

UCL fully supports the principle of widening access and has committed significant resource to this activity. However, we are uneasy with the principle that an Access Agreement process should substantially influence a 'Teaching Excellence Framework', beyond, potentially, as a requirement for entry to the TEF. The linking of fees to external targets for recruitment could be interpreted as a threat to institutional autonomy, particularly where it is recognised that external targets are often challenging for individual institutions (such as among research-intensive universities competing for the small pool of high-achieving students from widening participation (WP) backgrounds).

We would also want to avoid the use of WP data to draw distinctions between institutions, particularly in contexts where institutions are prioritising collaboration, and to ensure that success measures are not solely based on past performance. It will be important that the measures institutions are taking to address any issues are taken into account.

We support the principle that the performance of a number of different groups should be considered, but it will be important to ensure that any metrics take into account the sometimes complex relationship between socio-economic factors and protected

characteristics. For example, it is important that BME groups are not treated as homogenous.

We also have concerns about how far the commitment of private providers to broadening access could be measured, although we are not in a position to suggest how this might be achieved.

5. Do you agree with the proposals on

a) what would constitute a ‘successful’ QA review

Yes - although we question whether this is anything more than ‘business-as-usual’, particularly in the proposed Year 1 of the TEF. We would welcome greater clarity on the position of universities with ‘old’ QAA judgements, particularly those which are coming up for review in the first year of the TEF.

b) the incentives that should be open to alternative providers for the first year of the TEF?

Not sure.

We have no particular view on this.

c) the proposal to move to differentiated levels of TEF from Year 2?

Not sure.

We would need to see much more detail on this before we could comment in any meaningful way. In general, the Green Paper prompts concerns that the TEF could be heavily bureaucratic and therefore poor value for money. In their current form, the Green Paper’s proposals for the TEF would seem to encourage the kind of ‘industries’ that the Green Paper is critical of as regards the REF. Universities could potentially use the money required to run the TEF to enhance teaching directly; students may object to the cost of the scheme, which will ultimately be funded from their fees. The notion of levels of TEF is problematic; we have concerns about students having to pay more on a sliding scale for ‘excellent’ (TEF4?) teaching rather than ‘good’ (TEF3?) teaching. This becomes particularly acute if an institution rises through the TEF levels (so that first year students are paying more for the same programme than third or fourth year students). Although we recognise that there is a precedent for students at the same institution paying more than others (as tuition fees were introduced and then increased), when this is linked to perceptions of the quality of a programme, this becomes more difficult to justify. There is also a question about the internal logic of the scheme where a university’s performance is inconsistent across disciplines (e.g.

some departments are judged TEF2 and others TEF4). If the fee is set at institutional level, then students may perceive that they are paying 'more' or 'less' for 'good' or 'less good' teaching. Additionally, we consider that levels of differentiation may not make sense in the long-term, particularly if institutions have the choice of which level to apply for. There is limited incentive to adopt a strategy of moving through the levels; what would be the reputational benefit of being e.g. TEF level 2 accredited, rather than level 4? If the system aims at all universities reaching a threshold standard, then stratification may create confusion and an additional burden on institutions and government. We note also that a system in which only the top tier are able to raise fees in line with inflation means that other institutions will be taking a cut in fees in real terms – something that will have a direct impact on the quality of the student experience as economies are made in response. UCL has no concerns about the proposal for a GPA system; this is something we have advocated for a number of years, and we have plans to introduce. However, we question whether this will result in the outcomes envisaged in the Green Paper – namely, degree classification that is consistent across the sector. We have reservations about the GPA model developed by the national HEA pilot, and would seek to implement our own scale.

6. Do you agree with the proposed approach to TEF assessments on:

Timing?

Not sure.

We are not sure if we agree with this and would need to see more detail. In particular, we would welcome clarity on the following:

- Broadly speaking, a 5-year award is preferable in principle, although we can foresee issues with students entering a university which then changes TEF rating part-way through their programme. Although the amount they may pay will not change, they may perceive that they are being treated inequitably in comparison with their peers in lower years.
- It is not clear from the wording of the consultation document whether institutions with the highest rating would be required to resubmit every five years.
- We question whether institutions will see the benefit of waiting to move through the various levels of TEF, and staggering this; there will be a reputational risk right from the outset of not being TEF4,

particularly for institutions who attract a substantial number of students from overseas, who may be aware of the rating system but not familiar with its complexities.

Assessment panels?

Not sure.

Again, we would need to see more detail. Although we welcome the intention that this should be a flexible process, what is being proposed seems heavily bureaucratic and potentially extremely costly for institutions and the proposed Office for Students. We are therefore particularly concerned by the proposals that institutions should bear the cost.

We also welcome the principle that any TEF assessment should be independent from government. However, we would welcome more information about what might make someone an 'independent expert'. If the intention is that experts should have a relevant discipline background, how far does this make the process an external version of periodic review, or overlap significantly with similar processes in institutions, and with the national quality assurance system? Additionally, sector experience of the RAE and REF has demonstrated the difficulty around ensuring the fairness and credibility of judgements across subjects. Aggregating subject-level TEF results has the potential to disadvantage institutions with a wider range of disciplines (typically public universities rather than alternative providers).

Process?

Not sure.

Again, we are not yet in a position to comment on proposals for discipline assessment, moderation and appeals. We can only reiterate our concerns about bureaucracy and raise questions about the extent to which a complicated process will result in the outcomes the Green Paper is aiming for.

We cannot comment on whether a visit would be necessary / valuable until more information is available.

7. How can we minimise any administrative burdens on institutions?

Any undertaking of this scale is bound to be administratively time-consuming and resource-intensive, and therefore, although we welcome the government's interest in reducing the administrative burden, we question whether a bureaucratic process represents the best value for money for students' tuition fees. We have real

concerns that this proposal will divert funding away from teaching, from enhancement activities and from direct support to students. As a comparator, the cost of the REF to the HE sector is estimated at around £212m, and UCL estimates its own costs at around £4m. Although the TEF will be smaller in scale, it is not inconceivable that the cost of running the TEF could outweigh any direct financial benefit to the institution of participating (although we acknowledge that the reputational incentives may be more compelling). This again has implications for the quality of the student experience if any rise in fees covers the cost of running the TEF without significant surplus to invest in education and infrastructure. Without more detail, it is difficult to comment further, although, broadly speaking, we welcome the suggestion that the process would seek to use existing datasets (with the caveats we have outlined elsewhere in this response about the validity / reliability of the proposed datasets).

One way in which the complexity – and therefore the administrative burden on institutions – might be reduced is to move away from a staggered TEF, so that TEF became a threshold, rather than several points on a spectrum. As we have noted below, we have reservations about whether the proposed 4-level TEF will operate in the manner anticipated by the Green Paper.

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

No.

We would need to see more detail on this before we can comment further. We have argued for some time that ‘real terms’ cuts from non-inflation-linked fees has created a funding problem for institutions and therefore we welcome the possibility that some flexibility may be introduced. However, if this relates to relatively small sums in the context of institutional budgets, it may not be sufficient to address the underlying funding challenge. The proposal for differentiation within the TEF appears to introduce an unnecessary level of complexity into the process for comparatively small reward. Students are unlikely to feel that e.g. £500 less for a TEF3 university than a TEF4 university is meaningful in the context of the overall cost of a degree. Institutions are unlikely to seek to progress through the TEF bands if this can be avoided, particularly if the costs of managing the TEF submission are considerable.

If a TEF is to be introduced, we have a strong preference for a process which is launched ‘fully-formed’. This may necessitate a longer lead-in time for development, but is vital to ensure that prospective and current students, employers, and institutions can grasp the full implications of the framework, and make best use of it. A framework which requires further time after launch to evolve and become established is likely to create significant confusion, particularly in international markets. We note that the RAE and REF had a three year experimentation period/piloting with no link to funding and suggest that a similar approach would be required for any TEF.

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

Not sure.

We have no particular comment on this issue.

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

Not sure.

In general, we agree that all criteria identified have some significance for an overall judgement of ‘teaching quality’ (with caveats outlined elsewhere in this response). However, some of the metrics currently proposed / available as proxies for teaching quality are subjective, with the NSS, for example, linking students’ assessments of the quality of the teaching they experience with how far their expectations have been met. Whilst we support the principles that students should be consulted on their learning, and that institutions should respond proactively to student feedback, there are many factors that influence students’ perceptions of the quality of teaching, and student satisfaction alone is not a sufficient proxy indicator for teaching quality. We support the proposal that NSS data should be included in a TEF, but note that the process was not designed to support the determination of fee levels, and suggest that, if it is to be used as an indicator of teaching excellence, it needs to be supplemented with other data sets. ‘Learning gain’ is a problematic and contested concept, and is difficult to define or to measure accurately. A variety of different cultural and socio-economic factors (and the interplay between them) may influence how a student performs at university, and in the employment market, and these dynamics are imperfectly understood. Discipline context also has an important role to play.

We have reservations about the proposal that ‘learning gain’ should be one of the measures of ‘teaching quality’ but are reluctant to comment further on the principle without a more detailed definition and formulae for the relevant metrics.

Finally, although we support the principle that a university education should be broad (in terms of extra-curricular opportunities and experiential learning), we would welcome greater clarity about the Green Paper’s desire to ensure that students obtain ‘added value from their studies’. ‘Added value’ will need to be defined extremely carefully in the technical consultation, and significant work should be undertaken to develop a suitable metric.

11. Do you agree with the proposed approach to evidence used to make TEF assessments – common metrics derived from the national databases supported by evidence from the provider?

Not sure.

In relation to the various metrics and evidence sets proposed, we would make the following comments:

- DHLE is a problematic dataset – it is self-reported, time-limited and relatively narrow in what it reports. Many students do not enter graduate-level employment immediately after university, although they may progress soon after. We broadly welcome indications that DHLE may be augmented by / replaced by data on employment from HMRC records, although we note that students may have concerns about this level of information-sharing.
- In terms of graduate destinations, the Green Paper appears to propose holding universities to account for things that they could quite reasonably be said to have little or no influence over – such as, for example, employer discrimination. Additionally, an over-emphasis on metrics such as graduate salary runs the risk of obscuring the value of careers that command more modest salaries but that are rewarding to graduates and vital to society.
- Although we support the inclusion of metrics on retention / continuation, we note again that there are important cultural and socio-economic factors at play here which the university may have limited control over.
- We understand the reasoning behind the inclusion of student satisfaction indicators and are fully committed to the NSS as a tool for measuring student satisfaction. However, we reiterate our concerns about the extent to which these can fully reflect ‘teaching quality’; user satisfaction indicators need to be qualified to give a

full picture. A TEF with outcomes which are predominantly determined by satisfaction data may incentivise students to use these feedback routes for political ends, and to influence the fees economy in their institution. As the HE sector moves increasingly towards a culture in which student satisfaction has a high profile in departmental and institutional decision-making, it would be unfortunate to create a situation in which those feedback routes are compromised and their credibility undermined.

- We have concerns about the proposal to use learning hours as a measure of quality. This may unwittingly compel institutions to prioritise traditional pedagogical methods (such as the lecture-seminar model), rather than models in which the student develops as an independent researcher. This would be particularly problematic for a university such as UCL, where independent study and enquiry is an integral part of the learning experience, and as we seek to take advantage of new technologies to embed ‘blended learning’, so that students benefit from other modes of delivery besides face-to-face tuition. We also note that the take-up of the UK Engagement survey is not yet substantial enough for this to be a robust measurement of learning hours.

- We support the inclusion of metrics which reflect staff commitment to good teaching practice, such as the number of staff with accreditation from the HEA.

- We share the concerns of the Universities and Colleges Employers Association (UCEA) about a direct association of teaching excellence with numbers of staff on permanent contracts, or ‘teaching intensity’ (as measured by the proportion of time staff spend teaching). We are not aware of any evidence to suggest that there is a link between contractual arrangements and the quality of teaching. In particular, in vocational disciplines such as Medicine, Laws and architecture, an institution’s ability to bring in practising professionals to teach small elements of a wider programme is an indicator of quality, and any disincentive to these arrangements created by the TEF would be detrimental to the interests of students. We also note the UCEA’s calculation that the actual full-time equivalent of the ‘atypical’ academic ‘population’ as reported in the 2012-13 HESA record was 3.0% of the total FTE academic staff employed. This figure was a reduction from the 3.6% of FTE in the preceding year and the numbers have now remained broadly stable over several years. There is a strong risk that the use of

teaching intensity / contractual metrics may unduly influence a process designed to address a perceived problem which is, in reality, relevant only in parts of the sector.

Additionally, there is a danger that the desire to build a light-touch system that combines metrics and institutional evidence may result in a system where that evidence amounts to little more than ‘warm words’ (and the sample questions outlined in the Green Paper reinforce this impression – with institutions invited to reiterate their mission, etc.). We recommend that more thought is given to the nature of any institutional evidence base before these proposals are progressed. One option might be to incorporate evidence from external examiners, although we note that this might then bring the TEF into the territory currently occupied by the Quality Assurance Agency. However, peer review is a fundamental practice in higher education, and should not be forgotten in the design of any TEF. It would also be important to bring in a link to research excellence (as a strong profile in research means that students will come into contact with leading researchers and be taught in environments that are well-resourced to support this research). Another valuable metric would be spending on teaching resources. Finally, we would suggest that it would be helpful to bring teaching into REF impact measures, with those impact measures including a metric for research impact on teaching.

Social mobility and widening participation

[As before, our response to the questions in this section draws from, and is aligned with, the consultation response prepared by a group of heads of widening participation teams from several research-intensive universities.]

12a. 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.

In general, we support this, although stress that the TEF must be flexible enough to take institutional context into account. This is particularly important for selective research-intensive universities, which compete for a reasonably small pool of high-achieving students from disadvantaged backgrounds, whose reasons for choosing a particular institution may be particularly complex. It is also not clear from the Green Paper how far the objectives will

acknowledge institutional or regional context. In particular, any TEF should continue to make it possible for institutions to focus on target groups which they have identified as particularly relevant for them. The figures in the Green Paper appear to have come from the 2014 UCAS end-of-cycle report, and relate to the entry rate for 18-year olds in England from areas in POLAR2 quintile 1. This single measure is problematic. We recommend that a range of datasets be brought together to inform any definition of students for inclusion in the BME / Access section of a TEF (HESA has recently consulted on a set). This reflects current practice in the sector, which could be further refined. We would welcome a move to incorporate income data in these performance indicators, for example. We also suggest that it will be important to capture information about levels of parental education in determining target groups.

We have concerns about the use of BME as a proxy for disadvantage or under-representation.

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

Not sure.

UCL commits a great deal of effort and resource to its widening participation activities, and to meeting targets. However, we are concerned that the current proposals are not sufficiently clear about how future target-setting might be implemented. We agree with colleagues that sector-wide targets are necessary; universities competing for the relatively small pool of high-achieving students from disadvantaged or non-traditional backgrounds find it particularly hard to meet institutional targets, particularly in metropolitan areas with a high concentration of institutions.

We support the position shared by other widening participation colleagues, which is that target setting should reflect:

- The point in time a benchmark is set and progress is measured (as currently HESA data is one or two years old). The work universities have made in the intervening period to address any issues should also be taken into consideration;
- Collaboration as well as institution-specific work;
- Institutional context.

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

We are concerned about the lack of reference in this document to either mature or to part-time students generally, and to disabled students as a specific target group. Additionally, the proposals do not reflect the complexities of under-representation for particular subjects. The document also does not acknowledge the importance of collaboration between institutions in widening participation.

In addition, we note that the measures contained in the Green Paper reflect and reinforce broader issues about the difficulty of reaching a shared definition of 'widening participation'.

13a. What potential benefits for decision and policy making in relation to improving access might arise from additional data being available?

In line with other colleagues across the sector, we consider that a consistent approach to data and monitoring from primary through to masters' level study is needed, and that this should include:

- Clarity on what is understood by 'disadvantage' and 'under-representation';
- Agreement on performance indicators (drawing on the HESA performance indicators for widening participation, which are currently under review).

If widening participation policy is to be developed on the basis of a clear understanding of impact, we agree with colleagues that full access to the National Pupil Database, ILR data on post-16 students, and UCAS, HESA and DLHE data at individualised level (acknowledging consent issues) would be beneficial. At present we are unable to access individualised data from UCAS, and access to NPD/ILR/HESA data requires a significant investment of time and money from institutions.

HEFCE has provided important support for the research and data and evaluation functions which underpin widening participation activity and we would want to see this continue in future.

13b. What additional administrative burdens might this place on organisations? If additional costs are expected to be associated with this, please quantify them.

Opening up the sector to new providers

14. Do you agree with the proposed single route into the higher education sector?

Not sure.

The desire to open up the market to new providers without bureaucratic obstacles is understood, and there could be no objection to the simplification and clarification of processes that have developed piecemeal over time. This needs to be balanced against the risks. Higher Education operates to long cycle times and 4 years is the time required for the completion of one undergraduate cohort, allowing for some degree of interruption of study or resits. Programmes are progressive so the capacity to deliver an adequate first-year undergraduate education does not necessarily guarantee the ability to do the same at final year degree level. The UK's higher education system as a whole, as well as its individual members, has a global reputation and the risk of adopting routes to entry which are significantly out of line with practice elsewhere needs to be taken into account.

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

Not sure.

Given that there is no common definition of what a university is, there is clearly an element of judgement in the current criteria for the award of university title, and these should be reviewed from time to time as they have been in the past. Any such changes would need to take into account the difficulty of withdrawing the title once granted, and bear in mind the potential impact on the international credibility of the sector.

We reiterate here our concerns about the risks to the global reputation of UK HE if routes of entry are adopted which are significantly out of line with practice elsewhere. As a minimum, we would expect all new providers to be subject to at least the same levels of rigour as existing providers.

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

We have no specific comment on these options, although we reiterate our general concerns about sector reputation and the need to demonstrate the ability to deliver a programme across the full undergraduate lifecycle.

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

Not sure.

Provider exit and student protection

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?

No.