

Question 1:

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

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

☒ **Yes**

☐ **No**

☐ **Not sure**

Please provide any further relevant evidence.

UCLU have significant concerns about the equality impact of these proposals for several reasons.

Firstly, the proposals overall focus significantly on the raw outcomes of higher education, which will further advantage the best-connected students and graduates and significantly disadvantage groups already doing poorly from higher education. The use of employment metrics will disadvantage students from groups who are less likely to enter employment, particularly disabled students. These students are both more likely to be discriminated against during the recruitment process, and less likely to enter employment due to their disability.

Secondly, the proposals to raise the tuition fee cap for some universities will have a significant impact on debt-adverse potential students from poorer socio-economic backgrounds.

Lastly, we would echo NUS's response in noting the lack of impact assessment relating to gender reassignment, pregnancy, maternity, sexuality, and religious belief.

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.

UCLU would welcome an approach to university regulation and funding that focused on excellent teaching, and sought to provide prospective students with accurate information that helped them make choices about university that may define the remainder of their lives.

However, we do not feel that the proposals set out in this paper do this.

Instead, the measures proposed appear to be an ideological attempt to impose further market logic on the higher education system. We believe that fiddling with fee caps in order to link price with a measurement of quality will not drive improved teaching, and will barely affect the financial incentives on offer to institutions.

A simplistic logic that sees research and teaching as fundamentally separate activities and incentivises their further fragmentation will not support universities to realise their full potential benefit to their students or society.

An approach to quality measurement which leans heavily on easily gamed statistics will not give students, employers, or society greater confidence in English higher education.

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.

UCLU believe that any quality framework should encompass the full range of institutions. However, the framework must be sufficiently flexible to recognise diverse kinds of strengths, both across different disciplines and different modes of delivery.

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?

In UCLU's view, all institutions should be doing more than simply agreeing an Access Agreement, and should be hitting the targets they have agreed. We believe that the work currently undertaken by OFFA is incredibly valuable, but the powers available to OFFA and the Director of Fair Access are insufficiently robust.

UCLU have significant issues with the framework proposed. However, we believe that whatever framework is ultimately adopted should recognise that a diverse learning environment is integral to high-quality teaching. It should give the Director of Fair Access significantly more scope to hold institutions to account through integrating considerations of access and success into the proposed functions of the Office for Students, consequently giving this position a broader 'toolbox'.

If the eventual framework adopted does differentiate levels of quality, part of this measurement should relate to the level of progress in widening access to the relevant programme or institution.

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.

- a) The proposals for what would constitute a successful QA review are the same as what happens at present. In our view the current system of quality review is robust and fair.
- b) UCLU believe that lifting fee caps is damaging and unnecessary in political, policy, and technical terms. Lifting fee caps will continue to push students with concerns about debt out of higher education, and work against the aspirations on access to higher education set out in this paper. For students with concerns about debt, differential fees will **reduce** their choice by limiting the perceived number of affordable institutions.

In technical terms, allowing fee caps to rise with inflation will also be complex to administer, will create uncertainty for students, and will not offer a significant financial incentive to institutions.

- c) In UCLU's view, the TEF should absolutely not begin operation before the full technical detail has been consulted on and understood. Launching the TEF before the framework has been worked out seems foolish and ideologically motivated. The potential impacts cannot properly be assessed until the framework, or at least a complete draft framework, is published. There is a significant risk that the impacts will be harmful and damage the reputation of English Higher Education.

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 timing of any award is similar to the timescales for the quality review of institutions, and the reviews undertaken by Professional, Statutory and Regulatory Bodies. This seems largely sensible.

The purpose of the TEF is proposed as a measure of teaching quality. Any such assessment, by its nature, should be largely **qualitative**, though outcomes are of course important. **Accurately assessing the quality of teaching should always include a visit by the assessment panel.**

UCLU believe that any framework that is mostly defined by a series of statistics and metrics will not measure teaching quality, and will be open to perverse incentives that will reduce the societal benefit of universities.

Any framework adopted should have triggers through which concerned students or staff would be able to trigger a re-assessment 'out-of-cycle'. Students should also be a part of the assessment and should be members of any assessment panel.

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.

UCLU do not believe this should be a primary consideration, particularly if the TEF ultimately replaces some or all of the current UK quality assurance architecture. If measuring teaching quality is important, it should be done properly. To re-iterate the above, this should include a full visit by the assessment panel.

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.

UCLU are not opposed in principle to a differentiated assessment of teaching quality being made available to prospective students in order for them to make the right choice for them about Higher Education.

However, we absolutely oppose the way in which the current proposals would go about doing this.

Firstly, as stated previously, we believe that the measures proposed are an ideological effort to create a market in a higher education system that has so far partly resisted marketisation. The primary aim appears to be linking the price of a degree with a measurement of quality. We do not believe that the assessed quality of an institution should have any impact on its fee cap.

Secondly, we do not have confidence that the measures being proposed will accurately or fairly assess teaching quality. Instead, a heavily metric-oriented assessment will drive perverse incentives to take on the most 'employable', and thus societally privileged and networked applicants, and encourage further manipulation of measures such as the National Student Survey, which is already impacted

significantly by university's marketing efforts rather than measuring the quality of education students receive.

Lifting the fee cap for 'high quality' institutions does not make sense in this paper's own terms, and as such we can **only** conclude that the driver for many of the proposed reforms is ideology.

In a higher education environment where there are no longer student number controls, the reputational aspects of a teaching quality measure will already have a significant indirect financial effect. If the TEF really does support and enable student choice, this effect would dwarf the financial impact of lifting the fee cap if students make different choices about which institution to study at as a result.

As such, lifting fee caps is entirely unnecessary for the TEF to achieve the aims it has publically set for itself.

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.

The proposed themes for the measurement of teaching quality appear reasonable. However, whilst there is uncertainty about how these will be measured, UCLU are unable to take a view.

As we have set out previously, we believe that part of the assessment of the learning environment of institutions should examine the diversity of that learning environment. This should include student intake - particularly progress against Access Agreement targets - as well as the diversity of the staff body.

An accurate measure of learning gain would be integral to ensuring that any outcome-focused measures of quality were not skewed heavily in favour of institutions with the most privileged student intakes. However, UCLU are sceptical about whether an accurate measure of learning gain can be achieved. It would be helpful if specific ways of measuring learning gain had been put forward.

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.

Measuring the proposed outcomes (employment post-study, retention, and student satisfaction) without weighting this against expected outcomes for the institutions' student intake will favour institutions who take in 'traditional' students and not those who take active steps to widen participation.

UCLU believe these measures can only be fair with a form of weighting, either statistically or through qualitative evidence.

We would also repeat our desire that a significant proportion of the assessment should be in the form of a qualitative, rather than quantitative assessment, including a visit to the institution

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.

The paper provides a good summary of the importance of improving access and success for BME students and we welcome the commitment to this. However, as we will note below in more detail, there is little reflection on the steps that universities themselves must take in order to be less marginalising towards BME students and create a sense of belonging.

- 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.

UCLU agree that this should be the case, though we believe that this power (and a greater range of other powers, as set out in our response to question four) should lie with the Director for Fair Access.

As we have set out previously, whilst we have significant concerns about the TEF as presently proposed, we believe that if a differentiated assessment of teaching quality goes forward, a significant part of this should examine the diversity of an institution's student intake, and thus the diversity of the learning environment. In this scenario, progress with improving access, retention, and success for BME students and other disadvantaged groups would be crucial to achieving higher-level TEF awards, rather than simply a baseline standard.

A 'pass/fail' approach to Access Agreements as part of the TEF would continue the present situation, in which the Director of Fair Access is theoretically powerful, but has little power in practice.

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

This paper discussed at length recruitment of BME students, and the difference between BME student access, attainment, and employment post-study, without reflecting on why this might be the case.

UCLU's work with BME students has highlighted that many feel a sense of 'othering', alienated, or discriminated against in the university environment, and other Students' Unions have reported the same.

Without asking difficult questions about the nature of universities and who they are set up to serve, it will be difficult to make progress. This includes examining the nature of curriculum and pedagogy in depth to ensure it is not structurally discriminatory.

The green paper also highlights low participation in higher education amongst poor white British men. Whilst UCLU acknowledge this is a problem that should be addressed, the problems and issues to be resolved for poor white British men and BME students are very different and will require different solutions.

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.

UCLU believe that students have a right to be protected and refunded should their institution fail to complete their course. Particular attention should be paid to arrangements for students on Tier 4 visas, who will lose the right to remain and significant amounts of money if their institution closes their course or collapses.

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

UCLU believe that Students' Unions act as a vital voice and protection for students in a higher education sector being made increasingly unstable. We play a unique role in ensuring student interests are acted on, and support universities to produce active, informed citizens who believe they can change and influence the world around them.

Students' Unions are critical to ensuring the level of student engagement in university decision-making which the Government supports, and the only way of making sure that students' voices are represented collectively and coherently.

Many of the constructive steps that could be taken to strengthen Students' Unions' accountability would involve universities working more closely with their Students' Unions. Universities should encourage their students to use them as the channel through which to voice their concerns and be a part of their decision-making.

Students' Unions are increasingly embedded into the architecture of quality assurance and enhancement, and all institutions should be required to have a Students' Union by law in order to safeguard this approach.

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.

UCLU believe that the proposed Office for Students would largely discharge the functions that HEFCE and OFFA do at present. As we have set out previously, we would welcome integration between OFFA's functions and those of HEFCE in order that other mechanisms to drive increased access can be found.

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.

UCLU strongly believe that universities are a public good, and thus public bodies which should be publicly funded. Regardless of the current means through which universities gain their income, they remain a huge public benefit and should be regulated accordingly.

Following the argument that universities should not fall under Freedom of Information because private providers are not subject to it would, if the principle were followed to its conclusion, be an argument for the outright privatisation of universities.

Private providers wishing to enter the university sector should only be allowed to do so if they are subject to the same duties and responsibilities as public universities. The approach to the regulation of universities should be about lifting standards, accountability, and transparency, not operating at the level of the lowest common denominator.