



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: **Gavin Costigan**

Organisation (if applicable): **University of Southampton**

Address: **Highfield Campus, Southampton, SO17 1BJ**

Email Address: **g.costigan@soton.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
	Representative Body
	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 have no comments on this question

Are there any equality impacts that we have not considered?

☐ Yes

☒ No

☐ Not sure

Please provide any further relevant evidence.

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.

It is difficult to say from the information available in the Green Paper how this will benefit students and employers, and it is certainly not possible to quantify it. But the Government needs to be clear what problem it is trying to solve by introducing the TEF, as this will help decide the format. There is no lack of information for potential students (indeed, they are awash with it), and the evidence suggests that they use it very little in making decisions about what and where to study. Research on A-level students, for example, shows that fewer than 30% of students consulted press university guides or league tables when deciding on which universities to apply to (Dyke, Muijs & Rietdijk, 2013).

HEFCE's October 2015 report "UK review of information about higher education: Report on the review of the Key Information Set and Unistats" is pertinent. (http://dera.ioe.ac.uk/24489/1/HEFCE2015_27.pdf)

Government may wish to review how the KIS has changed the behaviour of potential students and their advisors. If potential students are to be the key beneficiaries of the TEF, then the data must be a) robust (and this is difficult, as discussed in Question 10 below) and b) data which actually meets the needs of potential students.

A considerable amount of information is available to employers, who are likely to base their opinions as much on previous experience of recruiting graduates from a particular institution and their own interview and assessment processes as they are on another set of tables. Furthermore, it is not clear that the transferable skills valued by employers and delivered by many academic programmes are well captured by many of the metrics likely to be included in the TEF.

As currently described, we can see little benefit if any to either potential students or to companies. The greatest benefit of the TEF that might emerge could be the gathering together of existing evidence and data in one place in a convenient format, provided it is and can be seen to be robust. But it is debatable about whether the benefits outweigh the disbenefits.

There is no question in the consultation about potential disbenefits of introducing the TEF, so we have set out some here:

- **Overseas students interpret the TEF as a robust measure of teaching excellence (we explain in our answer to Question 10 why it is not), and (if achievement of the highest levels of TEF is limited) international**

student numbers fall – reducing the amount of money available to invest in a better educational experience for UK students.

- **Vast effort is expended by Universities in “game playing”, to maximise their position in TEF rankings.**
- **Instead of improving educational performance, HE providers simply stop providing courses where their scores are weaker**

We note that the consultation does not ask the question, “How can the TEF be used to drive up the quality of teaching and the educational experience of students?” We think however that this is the question that should have been asked. Had this been the question, we would have said that we believe that enough evidence already exists on the strengths and weaknesses of individual HEI providers via a combination of the Higher Education review process and existing datasets such as the NSS. What is needed is not more data, but constructive challenge – and support – based on the evidence of performance which already exists.

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 Government should be aware that this is an extraordinarily ambitious aim.

For the TEF (and elsewhere in the consultation on regulation) we see that the Government is trying to achieve an extremely difficult balance. On the one hand, we agree that over time we need to move towards a unified regulatory approach, a “level playing field”. However, the variation in type, size and mission of institutions delivering HE means that there are real dangers in a one-size-fits-all framework. We do not underestimate the difficulty of getting the right balance and we hope the Government does not underestimate it either. We point out at various places throughout the consultation where it is important to get a risk-based or proportionate approach, but that does not negate our overall support for moving to a unified approach.

Specifically for the TEF, for example, for institutions for whom HE is only a part of their business (for example, FE colleges with some HE provision), a system designed for HEIs might be excessively bureaucratic for very little gain. This could actually incentivise them to give up HE provision, which would be contrary to the aims of the Government.

We note the aim that in time the TEF might be extended to PGT students. This is a logical extension, however the motivations behind students studying for PGT courses, and the information required to help them make their choices, are different to undergraduate students. The Government should think carefully about their specific needs before looking to include PGT in TEF. Careful thought will also need to be given to the question of what metrics are available, and the costs of developing new metrics.

We believe that PGR students are fundamentally different and should not be included, but it would be helpful to have this clarified. Further, if PGR was included it would serve to highlight the real danger in separating teaching from research in the proposals. The two are intricately linked in terms of quality and not least at PGR level.

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?

Yes. We believe that an Access Agreement should not just be a pre-requisite for a TEF award, but should be a pre-requisite for providing any higher education. Later in the consultation, the Government asks about levelling the playing field between different types of HE provider. We don't have a specific suggestion but would encourage the Government to move towards a level playing field.

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.

For a), we agree in principle but some clarification is needed, as the QAA review process has changed over the last five years and some Universities will have been assessed on the old system and some on the new system. Clarification is needed in the technical consultation about what constitutes a "successful" review, depending on which type of review by the QAA they last had.

For b), we have no strong opinions but reiterate our aim for the Government to move towards a level playing field, and for alternative providers to have similar requirements (and opportunities) as established providers.

For c), we see two possible ways that the Government might make this work, either i) an HE provider submits an application and a panel decides whether that application is worth a level 2, 3 or 4; or ii) there are different criteria for each of levels 2, 3 and 4 and the HE provider submits an application for a specific level. Our preference would be option ii) as we think that it is more transparent, but it would need clear criteria developed in the technical consultation.

When thinking about differentiated levels of TEF, comparisons have been made between TEF levels and Athena Swan. It is worth considering what lessons can be drawn from Athena Swan in designing TEF. Firstly, Athena Swan is seen as a developmental process, not a snapshot. Bronze and Silver Athena Swan awards are seen – justifiably – as positive achievements. They are not seen as a failure to get Gold; in fact, you can't apply for Gold without experience of Silver. And a Gold Athena Swan award does not necessarily mean higher quality than Silver; it means a wider and longer lasting application of the standards. If this is the culture which is aimed for in the TEF – that of seeking continuous improvement, rather than passing a test (and passing it better than the university next door) – then the rhetoric from Government and others would need to be changed and the link to being able to charge higher fees should be removed.

A further and potentially very serious problem with differentiated levels of TEF is that the perception (not least internationally) will be that only the 'highest' level represents real excellence. If it is envisaged that not all institutions will achieve this level, there could be significant impact on overseas recruitment across the sector, with significant economic consequences.

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.

We believe that the question of timing depends on the process. If the process is for expert panels as described in the Green Paper, then we would not want to see the process carried out more frequently than every five years. If however the TEF was effectively a virtually automatic, metric-based data collection exercise, it could be more frequent. But we refer you to our answer to Question 2 – the process should be designed in order to generate information which is of benefit to potential students and to companies (if that is the aim), or to help drive up the quality of teaching and the educational experience of students (if that is the aim). If the process is not designed to achieve either of these aims then Universities will see it merely as a bureaucratic exercise and the opportunity to really make a difference will be lost.

The timing of any future quality assessment process is also relevant here; it is essential that the two processes at least dovetail to minimise the cumulative burden.

On assessment panels: careful thought would need to be given to how panel membership would be decided, what training panel members would receive, under whose aegis the panels would operate, etc. We have developed considerable experience with panel structures via the REF, but the main portion of the REF deals with specific research outputs, which are relatively straightforward to rank. It is not at all clear how a TEF panel would operate and the basis on which they would make their decisions. The term ‘experts’ is not yet defined, and given that the whole range of UK universities and alternative providers would be covered by such TEF panels (a much wider range of institutions than is covered by the current REF panels) it is not at all clear that a panel structure could be designed and structured so as to provide meaningful / useful outputs.

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.

The potential cost of the TEF to institutions could be huge. If it moved from an institutional wide to a discipline-by-discipline approach, the cost could be astronomical, and (unlike the REF) the potential rewards – both financial and reputational – might well be less than the costs. HEIs may decide that it is not worth participating. The bigger and more complex, the more opportunities HEIs will have for game playing. Certainly one conceivable outcome is that rather than improve the performance of disciplines with potentially weaker scores, HEIs simply withdraw from teaching those subjects. This may be counter to the aim of the TEF and the needs of the country in terms of skills shortages etc.

The way to minimise the cost is to maximise the use of data that is already collected or can easily be collected, and minimise the cost of bespoke work. In particular, if Level 1 of the TEF is to be based upon a positive Higher Education Review from the QAA, then higher levels of TEF should not ask for any material already provided for that review. One option would be that the

panel assess only standard data available (such as NSS), plus the HER report and the HEI's self-assessment document which they will have produced for that review. This would mean that HEIs could be reviewed without completing any additional work.

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.

It is hard to answer this question without seeing what is proposed for the different levels of differentiation. The point is made in paragraph 15 on page 29 that "the next levels up will allow differentiation to help students and other stakeholders compare courses". I refer you back to comments made under Question 2. If this is the aim of the TEF, then it must produce information that is actually wanted and useful to those students and potential students. If, as we state in our answer to Question 5, the aim is to have something more akin to Athena Swan, then we need to achieve a system where each level is seen as an achievement in itself and a cause for celebration, not that anything other than achieving the highest level is seen as a cause for shame. However, our expectation is that many people, certainly including the press and perhaps including the Government itself, will imply that those without the highest level of TEF are somehow failing or delivering poor quality teaching. Thus almost immediately the question will be how to work the system to get the right tick in the right box, rather than actually tackling the quality of educational provision.

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.

As we are not an alternative provider, we are not well placed to comment from that perspective. We do agree however that there should be incentives for all, and that the Government should move towards a level playing field so that we are all in the same framework. Whatever the incentives are, they need to be sufficient that it is worth the effort of HE providers to apply for a higher level of TEF.

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.

Teaching Quality: Whilst we believe that there is data that might be included in the TEF that would be helpful in measuring the overall student learning environment, none of it provides either a direct measure or a reasonable proxy for teaching quality. We see teaching quality as an extremely important thing, but one which the TEF on these proposals has absolutely no chance of measuring. If the Government wanted to measure teaching quality it would have to observe a representative sample of teaching. Ofsted inspections do this for schools and are extremely expensive – scaling that up to a university like Southampton with 23,000 students, and then to a sector with 140 HEIs – is clearly not going to happen, not least because it would require an agreed definition of what comprises high quality teaching in HE, which is problematic in the absence of a sufficiently robust body of research linking teaching behaviours to student outcomes in HE. The level of complexity involved can be illustrated by reference to the £50 million school-level ‘Measures of Effective Teaching’ project, sponsored by the Bill & Melinda Gates Foundation, which concluded that only a mix of measures including observation, attainment test scores, and student surveys could provide a suitably reliable set of measures.

That said, the data and contextual information that can be collected could be usefully used to deliver a TEF. The only point we are making is that it is not, and never will be, a measure of teaching quality. We realise that this is unfortunate given the name “Teaching Excellence Framework”, which clearly implies something that it is not. We note that “Educational Excellence Framework” or “Student Excellence Framework” would be much more appropriate, and recommend them as better reflections of what is being attempted.

Learning Environment: We do support “learning environment” as a focus. We think that both data and contextual information can be provided, and that an assessment can be made in a similar way to how assessments are made of “research environment” in the REF.

Student Outcomes and Learning Gain: These are tricky areas as the largest determinant is actually the quality of student admitted. Leading Universities may score highly on the first but lower on the second. This provides no real reflection as to the experience those students have had whilst actually studying. Furthermore, there are problems of comparability of university assessment grades across subjects and institutions. Evidence also suggests that different methods of calculating value-added and learning gains may lead to substantially different conclusions regarding relative HEI positioning (e.g. Liu, 2011).

So this is an area where data is readily available, but real care is needed in understanding what, if anything, it is telling us about educational provision within HEIs.

You note, in paragraphs 12-14 on pages 33-34, that you will use existing metrics (DLHE, NSS and HESA retention data) as the starting point. We agree that this is exactly the thing to do, though caution needs to be exercised in

interpreting data from such sources. For example, less than 3% of the variance in NSS overall satisfaction scores is explained by differences between universities as opposed to individual university characteristics (Cheng & Marsh, 2010). Furthermore, the NSS arguably measures short-term student satisfaction towards the end of their course, and in any case levels of student satisfaction may have only a loose relationship to the overall academic quality of their course – they may be highly influenced by non-academic issues, such as accommodation and timetabling.

You also note that these metrics are proxies (para 13) and suggest others (para 14). We agree with this approach. Whilst it is right that you have started by asking “what would we like to measure?”, we also need to ask “what can we measure?” and be realistic in the answer.

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.

As stated in the answer to Question 10, this is the right approach. However, considerable care will be needed in what interpretation and weight is given to different metrics and to evidence provided by the HEI. For example, the Destination of Leavers from Higher Education (DLHE) surveys are poor indicators of degree outcomes.

Too great a focus on metrics at the expense of evidence from the provider could have the potential to stifle innovation as institutions would be reluctant to risk innovative teaching methods. A framework that includes evidence from providers should also ensure that the nature and volume of evidence is tightly prescribed in order to avoid an excessive burden on providers and costly assessment by TEF panels. We will be keen to see a detailed discussion of this in the technical consultation.

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 agree that it is essential that there are measures to improve access and success of students from disadvantaged and BME backgrounds. However, the proposals in this section are clearly still at an early stage, and we find it difficult to judge at this point if they are the right measures or not. We encourage the Government to work up the measures in more details and ask the question again in the Technical Consultation. We suggest that a more nuanced approach is required, since (as the paper notes) there are differences between institutions within the sector. There needs to be clarity as to how the proposals will take into account institutional context as well as sector-wide performance. Rather than using only one measure of ‘disadvantage’, there may be value in using a basket of data sets, such as those that were consulted upon recently by HESA for changes to WP UK performance indicators. With reference to students from BME backgrounds, we are concerned that ‘BME’ is used as a generic term; it needs unpacking, given the range of over- to under-representation of this group in higher education.

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.

The OfS must have some “teeth” or else it will be pointless. That said, the targets it sets must be based on robust evidence, and the effort required to do this well should not be underestimated.

Great care will have to be taken to safeguard institutional autonomy in this context: any move that threatened the capacity of universities to maintain ownership and control of their own admissions policies would be wholly unacceptable.

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

These are the right groups to consider. In doing so, the Government need to design metrics which correctly measure the success which HE providers have in bringing more disadvantaged students to HE, but do not penalise HE providers for failures in the school system.

Question 13:

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

It is possible that policy makers can understand better the real barriers to entering HE; the difficulties that pupils from disadvantaged backgrounds have in making the transition to the learning environment of HE; and the reason why those pupils drop out of HE. Full access to the National Pupil

Database, ILR data on post-16 students, UCAS, HESA and DLHE data at individualised level (underpinned by the relevant consent using fair processing principles) would allow policy and practice to be informed by detailed research into which interventions at what point in the progression journey have the greatest impact on outcomes on what kinds of individuals. It would also allow comparison with outcomes for non-participants from similar backgrounds / prior attainment levels. At present UCAS will not provide individualised data, and the work required to access partial NPD/ILR/HESA data is complex, time-consuming and costly.

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

This is difficult to judge. New data requirements always cost money, but there can be huge variation in the cost of the burden depending upon the design of what is proposed. If more detailed proposals are set out in the Technical Consultation, we will be able to comment on the costs. It should, however, be possible to draw on existing data to a large extent.

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.

As an existing provider, this section applies less to us. We would however welcome a standardised route into the HE Sector. That route must be robust and in all cases based on the quality of the educational provision.

Whilst not directly relevant to the question, the Government should appreciate that the likelihood is that the majority of new entrants will focus most or all of their provision on a subset of courses, primarily classroom-based ones. It is important that if more expensive subjects – including most STEM subjects – are to continue and thrive, they must be properly funded. In some institutions, these subjects are only viable by cross-subsidising student fee income from classroom-based subjects. There is a danger in some institutions that a loss of market share in classroom subjects reduces their ability to cross-subsidise in this way, and as a result they decide to reduce or remove completely their provision of higher cost subjects. This would be the right thing for the economics of that institution but bad for the UK economy which needs STEM graduates.

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.

It is clear that a risk-based approach is essential. The new OfS needs to focus the majority of effort where the risk is greatest, and be light touch and agile where the risk is lowest, which will also minimise the burden on high performing providers.

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

Some of the Government's proposals in this area feel similar to the re-establishment of the Council for National Academic Awards (CNAA), which was dissolved in 1993. The Government may wish to remind itself of the benefits of the CNAA model but also the reasons behind it being dissolved. Our view is that validation is best attached to a University. Of the bullet points in paragraph 13 on page 47, we are content with the option in the first bullet, but have concerns about the second bullet. The third bullet appears to describe the current situation.

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.

We are not opposed in principle, and welcome new providers of higher education. However, the system must be carefully thought through and sufficiently robust, to ensure there are no unintended consequences. There are lessons from other countries that may be useful for the Government to consider, especially in the United States where a number of alternative providers were assigned DAPs fairly quickly, and this led to subsequent problems.

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.

This is one area (as highlighted in Question 3) where the Government needs to balance carefully the need for a unified regulatory system and the need to avoid a one-size-fits all approach. Of course it must be right that students are protected, but a risk-based approach is needed. Providers with many decades (or in some cases, many centuries) of provision are in a fundamentally different position to that of new entrants. It is also important to note scale. Institutions with small numbers of students who get into financial difficulties and have limited or no other sources of income may have to face closure, with all their student provision at risk. Larger institutions with tens of thousands of students and other sources of income who get into financial difficulties might need to lose some student provision but this will probably be a small proportion of their total numbers. A system which required, for example, some financial resources or an insurance policy set aside as a fixed cost per student would be financially disastrous for larger institutions and would paradoxically make those institutions less financially stable, precipitating the very thing the provisions are trying to avoid.

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 proposals envisage a separation of Teaching and Research into the new Office for Students and a separate body taking on HEFCE's research role. This would undermine the essential and important link between teaching and research. Research informs teaching (and of course the quality of teaching) and teaching informs research. To separate these two quality elements into separate organisations is to fundamentally change understanding of this essential integration. While students are customers so too are our business and industrial partners. The latter select institutions to work with because of their ability to deliver effective outcomes from both teaching and research. A single body with the skills, knowledge and understanding across both dimensions is hugely valuable.

HEFCE also provides a crucial role in supporting and regulating the contribution of Universities to wider Government policy. An example is the Prevent agenda, where the Government has asked HEFCE to act as the body which monitors the compliance of HEIs against their requirements under the new Prevent Duty. These requirements fall on HEIs as institutions, with implications for both education and research as well as general university

operations. Neither an OfS focussed entirely on students, nor an RUK focussed entirely on research, would be well placed to deliver this role. HEFCE, on the other hand, is perfectly positioned to do this.

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

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

Duties i) to iv) in paragraph 9 on page 58 could be contracted out. Duties v) and vi) could be contracted out in principle, though that does not appear to be part of the proposals. Duties vii) to x) cannot be contracted out.

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,

There are a number of reasons why this should be done by the OfS:

- **HEFCE have the expertise and a track record in doing this, and based on their knowledge of individual universities, have achieved the overall aims in a way which smooth out perturbations in the system and reduces the risk of financial difficulties for HE providers.**
- **This is a potentially time-consuming job, and not the best use of BIS time. BIS should focus on setting the policy.**
- **Good governance suggests that if you have established a delivery agency, you should give it the power to deliver. If BIS Ministers and officials take a larger role, the OfS is weakened. HE providers will tend to bypass the OfS and attempt to engage even more directly with BIS.**
- **Although there is mention of an independent advisory committee in paragraph 16 on page 59, HE providers will still have concerns about academic freedom and institutional autonomy if decisions are left with BIS. There will be – in perception, and possibly in reality – a greater risk of Ministerial interference.**

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.

This has to be the right aim, with the emphasis on light touch. As first discussed in Question 3, the Government has a difficult balancing job to create a framework which is unified but is not one-size-fits-all. The only way to achieve this is a risk-based regulatory framework.

We would welcome proposals in the Technical Consultation on how to achieve such a risk-based framework. As currently described in the Green Paper, the regulatory burden could be either lighter or heavier than at present, depending upon the amount of flexibility.

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

There is a great variation in the size, function and structure of Student Unions within HEI providers, but the one thing they all have in common is that they are not a Trade Union. So for any reform that might be considered, we do not think that linking it to Government plans for Trade Union reform (as mentioned in paragraph 24 on page 61) is appropriate.

The Southampton University Students Union (SUSU) is a registered charity and as well as all the structures it has put in place in Southampton and online, it has public transparency and accountability via the Charities Commission. We would be concerned about additional bureaucracy for SUSU which simply duplicated measures they already had in place.

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 disagree that the OfS “considers issues primarily from the point of view of students, not providers” (paragraph 3 first bullet, page 62). It must consider the issues from the point of view of both. Currently HEFCE acts as a robust regulator, but one that listens to and understands our concerns. If the new OfS is unable to fulfil this role, then we can expect a more

confrontational approach from HE providers and their representative bodies (UUK, mission groups etc). We do not see that such confrontation is in the interests of the students, the regulator, the Government or ourselves.

We agree with Paragraph 3 Bullet points 2-4 on page 62, and Bullets 5-6 on page 63.

On Bullet 7, we agree that the OfS should have the ability to award Degree Awarding Powers and University Title. However, we disagree that it should be able to validate providers' courses. A regulator should not be a part of the business that it is regulating. As mentioned in our answer to Question 15b), one option available to the Government might be to recreate the Council for National Academic Awards (CNAA), but Government will wish to revisit why the CNAA was closed down.

We agree with Paragraph 3 Bullets 8-10 on Page 63.

For Bullet 11 (conditions to protect students in the event of course closure), this must be risk based, as described in our answer to Question 17 above.

Our comments on Bullet 12 are set out in Question 21b) below.

As noted in our answer to Question 18 a) above, HEFCE has provided an important role in the past to carry out roles assigned by Government related to the operation of HEIs, not all of which are related to either education or research, such as monitoring HEIs compliance with the new Prevent duty. This expertise in working with the sector to deliver a new requirement is extremely beneficial, and we would not want it to be lost. We would therefore suggest an additional duty along these lines. We would also welcome confirmation that the OfS would take over HEFCE's role as monitoring authority for Prevent.

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

☐ Yes

☒ No

☐ Not sure

Please give reasons for your answer.

This is could be a significant additional cost to the University of Southampton, which comes on top of other additional costs such as the rise in NI employers contributions and the costs announced in the Spending Review for 0.5% of payroll for the Government's apprenticeship scheme. It also comes at a time of cuts to the Student Opportunity Fund.

The Green Paper talks about reducing the burden on taxpayers, but effectively it is piling up additional costs on HE providers. Some of those costs might come from efficiency savings, but the reality is that cuts will have to be made that have a knock on effect on teaching and the student experience. Students are already taking out loans to pay £9,000 per year in

fees. Under new proposals they will have to borrow even more for maintenance loans. On graduation, they will then pay more on those loans than they were first promised due to the fiscal drag announced in the Spending Review. And now, HEIs are having additional costs imposed, which will mean all those students will be paying more and getting less. We are not sure how this supports the Government's aim of 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.

The roles ascribed to the Secretary of State appear appropriate. The last Bullet Point in paragraph 5 on page 64 is important to allow the OfS to take on additional roles such as Prevent (see the last part of our answer to Question 21). We note – and agree with – the fact that these options are more compatible with Option 2 of Question 18d) - “BIS Minister sets strategic priorities and allocation responsibilities divested to OfS” rather than Option 1 – “BIS Ministers set strategic priorities and BIS officials determine formula”.

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

The safeguards need to come through a proper embedding of Bullet 2 of Paragraph 5 on page 64: “A duty to respect the institutional autonomy of providers and academic freedom of staff”. We would like to see this duty specifically written into the regulatory framework.

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 support the longer-term aim of the Government (set out in paragraph 16 on page 68) to removing the requirement to seek Privy Council approval for changes to governing documents, with the OfS providing a periodic check for compliance with public interest principles.

We note with this proposed role for the OfS that the Government sees the Office for Students having a continuing role (as HEFCE does now) for the overall governance of HEIs, and not just those elements which actually affect students. We are happy to support this inconsistency because clearly one body should be responsible, but it does reinforce the comments we make in

the first paragraph of our answer to Question 21 that the OfS needs to consider issues from both the students and providers perspectives.

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?

We understand that BIS is encouraging reference to the Nurse Review even though it was published after the Green Paper.

By shifting research funding to either a separate or overarching body, research and teaching become separated, potentially exacerbating the perceived tension that the Green Paper seems to wish to address. The Paper seems to not understand what has been termed the research-teaching nexus which has the characteristics of collaboration and generates an environment which supports creativity, entrepreneurship and the generation of rigorous and innovative methods of enquiry. The Green Paper's claim that 'currently not all universities assign teaching the same significance that they give research' (para 20) is to misunderstand culture and practice in research-intensive institutions. Certainly Southampton could not attract the quality and number of students that it does (nor the quality of staff) if we were focusing our efforts and resources mainly on research.

While we can understand and support the potential for greater strategic attention to the UK research landscape, we do not consider that the separation of teaching and research will be beneficial for either universities or the research and teaching 'customers' of HEIs. Furthermore, the loss of the skills and understanding of teaching and research that are held in a single organisation currently and which benefit our engagement as a university could be a seriously retrograde step. The benefits of the proposed separation are not made clear.

We do welcome the commitment to dual support and the focus on excellence in the Green Paper and Sir Paul Nurse's recommendation that the dual support system must be protected as the 'bedrock' of UK research. Dual support and the maintenance of excellence are essential to a healthy and productive UK research.

Question 25:

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

Protection of the dual support system should be embedded in the constitution of the new funding body. It will not be sufficient to trust that the management of the body will ensure dual support is maintained over the long

term. The requirement should be enshrined in legislation so that there will be two distinct funding streams, any change requiring further Parliamentary legislation. Dual support should also be at the core of the mission statement for the funding body. Further maintaining clearly separate mechanisms by which funding is allocated via the Research Councils on the one hand and to universities via block grant on the other should ensure that the streams are kept separate. The current arrangements through HEFCE are preferable.

Certainly, the national complexities of bringing English QR under the same body as UK research Council funding are further reasons for keeping the dual funding streams separate.

The budgets of any new or overarching body must be completely transparent with an obligation to report annually on the amounts allocated to QR and to the Research Councils. Enshrining transparency as a key principle will ensure that dual support lines do not become blurred.

Further, it is important to ensure that whoever is responsible for allocating institutional research funding has appropriate expertise and a proper understanding of research culture and landscape in the UK.

There are of course other research functions which HEFCE currently performs not least the allocation of Higher Education Innovation Funding. There is no mention of this in the Green Paper. HEIF in driving innovation is inherently linked to research. There is scope to now refresh its approach and focus but it is essential core funding which provides autonomy to institutions to direct in the most appropriate ways. It has a different role to the Impact Acceleration Accounts and similar funded through the Research Councils. Importantly, the availability of HEIF has fundamentally assisted the generation of impact as assessed in the REF.

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

See above

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?

REF drives mainstream QR which is essential to ensuring the quality of research and enterprise and of research-informed teaching. It supports maintenance and enhancement of infrastructure and also of our PGR community (in both cases supporting matched funding requirements). The

relative stability of QR enables long-term strategic planning of research and enterprise development in institutions.

TRAC data clearly show that research does not pay (Southampton's data for 14/15 shows a 76% recovery of the costs of research on average). QR is therefore fundamental to ensuring excellent research and enterprise. Without it, and even without its protection in real terms, there would be serious adverse consequences to UK research excellence.

REF also provides reputational benefits to institutions and disciplines. It provides comparative performance understanding which can be understood by those who wish to make use of the products of research (from students to industry to government). Internationally, the UK REF has significant reputational advantage. However, we also note that reputation is also increasingly measured by both students and industry by a basket of different metrics, and league tables not merely REF.

We would argue it is these types of outcomes of REF that have to be protected but not necessarily the current mechanisms of the assessment process which are onerous to deliver. Further, successive REF/RAEs have indicated that overall there is not significant movement of institutions up or down the performance rankings. The sector is relatively stable whilst still enabling new peaks of excellence to emerge and develop within institutions.

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

Para 71 of the Green Paper suggests that mock REFs and use of external consultants by institutions in order to prepare for REF takes academics away from teaching and research. This is perhaps to confuse the embedded and ongoing mechanisms that research-intensive institutions in particular use to ensure research performance and most importantly to support the development of individuals and strategic development of discipline areas. These mechanisms are essential ongoing good management and will continue regardless of REF. Ensuring quality publications, assessing discipline performance in terms of research environment and income benchmarked against comparators and through independent peer review, collating impact stories, etc are all part and parcel of normal business for institutions like ours. What is not normal business, is the excessive collation of material and evidence that is required for REF submissions at a single point in time, particularly for a large institution.

In our response (April 2015) to HEFCE on the experience of REF2014 we made the following comments and our views remain the same:

“The time and cost involved in preparing submissions continues to be significantly underestimated. One of our Faculties estimated that submission to a single UoA (04) involved at least 2800 hours of professorial time and cost over £250,000 in staffing time related to REF work. REF2014 (like previous RAEs) has had significant opportunity costs particularly in the time available for generating research income and publishing research papers. One UOA

estimated this cost at 2 working years of senior academic time and also indicated that the considerable time, effort and resources committed to REF meant that personal, professional and organisational goals had to be adjusted downwards”.

“This is a disproportionately expensive and inefficient way to support the distribution of public funds given its extremely high costs of administration and negative impacts on research productivity and impact, particularly amongst the most senior staff who not only have to manage institutional submissions but also engage as Panel members.

Consideration should seriously be given to extending the period between full exercises (up to 10 years) with if necessary a light-touch, largely metrics-driven review in between at institutional level. The latter should be primarily aimed at confirming current performance of an institution according to the last REF. It is difficult to conceive of major changes (rises or falls) in institutional rankings and performance now such that there would be a need to radically adjust QR by institution.

One simple mechanism could be to rank journals by impact factor, group into 1-4* sets and assign a set amount for any publication in a journal in each set (similar to approaches tried in other countries). The REF could then focus on issues of esteem and impact. The mechanism would be no more arbitrary than the present assessment process”.*

We remain convinced of an argument for a greater period (10 years) between full REF's (in style of REF2014) and with interim (5 years) largely metrics-based assessments at institutional level. Impact is of course a more difficult (but not impossible) element to assess by metrics. HEBCIS data do provide one useful set of indicators of collaborative industrial etc activity. But as 'The Metrics Tide' noted 'we simply don't have reliable quantitative indicators that can capture the richness and diversity of impacts'. A five-year intermediate REF might therefore include some element of peer-assessment for impact.

Other areas for improvement to reduce the burden on institutions is a slimming down of the 'environment' descriptors and greater use of metrics relevant to the research environment. Analysis of successful submissions on research environment tends to show little fundamental change in mechanisms to support staff and students for example. Much greater focus on change or developments in the environment since the last REF may be appropriate. Another alternative would be an institutional level environment statement rather than UoA level descriptors. Good processes of relevance to the research environment tend to be institution-wide.

One problem with the REF is that it has become 'institutionalised' in the UK, with maintenance of the status quo tending to be focused on protection of academic peer review as a strong cultural and structural component. However, it seems really important to remain focused on the purpose of REF (ie to allocate block grant) rather than on the academic culture that underpins

the REF machine. We hope that the opportunity can be taken to commence a step-change in practice.

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

The Wilsdon report suggested the establishment of a Forum for Responsible Metrics which would work on issues of data standards, interoperability, openness and transparency. We support this proposal. We accept that for certain disciplines and for smaller and more specialised institutions in particular a more concerted move to the use of metrics is rightfully a concern. Metrics should not significantly disadvantage disciplines or institutions. But given that the REF is first and foremost a funding mechanism nor should the potential disadvantages of some metrics be a reason to not reform the system so as to reduce the burden.

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