



Department for Business, Innovation & Skills

Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice - Consultation

You can reply to this consultation online at:

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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

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Please tick the box that best describes you as a respondent to this consultation.

	Alternative higher education provider (with designated courses)
	Alternative higher education provider (no designated courses)
	Awarding organisation
	Business/Employer
	Central government
	Charity or social enterprise
	Further Education College
	Higher Education Institution
	Individual (Please describe any particular relevant interest; parent, student, teaching staff etc.)
	Legal representative
	Local Government
	Professional Body
x	Representative Body
	Research Council
	Trade union or staff association
	Other (please describe)

Public sector equality duty

Question 1:

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

a) The Guild welcomes the focus on widening participation found in this consultation. However, we have a number of concerns regarding the equality impact of many of the proposals outlined in this consultation. We believe several protected groups will be negatively affected due to the impact on their ability to exercise 'choice' within the HE sector because of their financial and personal circumstances. In particular, we're

concerned about:

i. Linking TEF to fees

As we will state throughout this consultation, we are concerned that the proposal to allow institutions to push fee caps above the current £9,000 ceiling dependent on their TEF performance, will cause a number of perverse outcomes, not least for students from poorer backgrounds who are more likely to be concerned about costs and incurring debt.¹

Research shows that poorer students are already more likely to opt for shorter courses nearer their home because of lack of funds and debt aversion.² We also know that BME students are more likely to live at home and study locally rather than at the most prestigious institutions, with a major contributing factor to this decision being cost.³ Other studies have shown lone parents (who are much more likely to be women), black and minority ethnic students and Muslim students to be particularly deterred by debt⁴. In general, students who live in the parental home are more likely to be from poorer backgrounds and those who do live at home cite financial considerations as a key factor in their decision, with 78% of students in one survey citing financial reasons for making this choice.⁵

We believe that increasing fees for institutions that perform 'well' in the TEF will not result in helping students make 'better choices' but simply decrease choice for protected and disadvantaged student groups where the cost of higher education and student debt is perceived as a barrier to participation. These concerns suggest that fees must be de-coupled from the TEF in order to ensure equality of access.

ii. Linking the TEF to employment metrics

Pay-gaps currently exist for women, BME and disabled people. By linking TEF to employment metrics, and most particularly graduate salary information, we believe there will be serious equality implications in that institutions will be more likely to recruit applicants with better employment prospects and graduate salaries. We believe, therefore, that these metrics should be removed to ensure that women, BME and disabled people are not unfairly penalised in accessing higher education.

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

² *Ibid.*

³ Mangan, J et al. (2010) Fair access, achievement and geography: explaining the association between social class and students' choice of university. *Studies in Higher Education*, 35 (3). pp. 335-35; Christie (2005) "Higher education and spatial (im)mobility: non-traditional students and living at home", *Environment and Planning A* 39, 2445- 2463.

⁴ UUK (2003) Attitudes to debt: School leavers and further education students' attitudes to debt and their impact on participation in higher education

⁵ 6 Patiniotis and Holdsworth (2005) "Seize That Chance! Leaving Home and Transitions to Higher Education", *Journal of Youth Studies* 8:1, 81-95

b. Sharia compliant loans.

We welcome the introduction of Sharia compliant loans, as they will undoubtedly have a positive impact on Muslim students.

a) 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.

The usefulness of the TEF information for both students and employers will depend greatly on the quality of the information itself and whether it can be truly said to define “quality teaching” at institutions.

It is clear from the hasty implementation timetable of the TEF and the low baseline standards (with Tier 1 of the TEF being achieved simply through a “successful” QAA review) that the primary object of the TEF is to permit an increase in tuition fees, rather than improving teaching quality. In particular, in year 1 we are concerned that the pass criteria for the basic-level TEF will simply be an institution’s most recent QAA review. Simply “meeting UK expectations” is hardly an indicator of teaching excellence and will allow the vast majority of institutions to raise their fees without any real indication that they provide excellent teaching and learning opportunities for students.

We also note that many of the proposed metrics for the TEF are poor indicators of teaching quality and are at substantial risk of “gaming”(i.e. offering considerable incentives to students in return for positive responses) by institutions, including NSS scores, employment data and staff contracts. Indeed, the consultation document itself criticises these indicators and metrics as “piecemeal” and inaccurate information sources, and the reason the TEF is needed in the first place. DLHE data on graduate destinations is, for example, only distantly related to teaching excellence – we do not assume, for example, that students graduating in a recession and struggling to find work are in this situation purely because of a decline in their teaching excellence. Nor do our students who drop out cite teaching quality as their primary motivation. We do not accept that teaching quality and graduate outcomes are directly linked. Even if we did, by focussing solely on these outcomes, the TEF will measure students’ employment, not their employability. We imagine that this, therefore, will also be less useful to employers.

Furthermore, the initial aggregation of this data up to institutional level will offer such a generalised assessment of “quality” to be of little use to students. Surveys such as

the NSS – and its institutional level equivalent at Birmingham, the BSS – tell us the teaching and learning quality and satisfaction can vary considerably across an institution, between schools, departments and courses. Furthermore, we know that prospective students seek to compare specific course or department-level information when making choices about Higher Education – something that the TEF will not initially provide.

In short, we are not convinced that this data will be at all useful to students. It is clear that the metrics used do not judge “teaching quality”, however defined. That they will be aggregated institutionally will only serve to cover over the subject-level nuances that our students so value and provide yet more imperfect and cumbersome measures as information. It is clear, therefore, that the light version of the TEF is just a mechanism for raising fees, rather than a way of improving teaching quality or providing students with better information.

We welcome the desired move to provide information to students on teaching quality to inform decisions on which institution to attend. However, we feel the data provided by the TEF will be too generalised to be of much use to our students.

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.

We believe that all institutions should be encouraged to provide an excellent teaching and learning experience for their students and there should be a framework that encourages improvement whilst supporting student-input into their learning experience. We are not sure that the teaching excellence framework, however, has the ability to do this, particularly whilst linked to fee increases.

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?

We believe that, if the TEF is implemented, that an Access Agreement should be a pre-requisite for a TEF award. We believe that Access Agreements have been a good tool to improve access and success in higher education and that they match the government’s commitment to improving fair access and widening participation in this consultation.

However, we are concerned that the implementation of financial incentives for institutions will only serve to further restrict access to the most “excellent” institutions for our most disadvantaged and vulnerable young people. Coupled with the proposed removal of maintenance grants, cuts to DSA & removal of nursing bursaries, rising fees across the country will only add a further burden of debt to our poorest students, who we already know are most likely to be debt-averse and thus deterred from entering higher education. We already know that [over a third of](#)

students would have chosen not to go to university without the help of a maintenance grant and we are concerned that the added financial burden of increased fees at “excellent” institutions will only deter more students. So, whilst we agree that the an Access Agreement should be a TEF pre-requisite, we would like to make it clear that this is just a sticking plaster on the wound of access and widening participation. Rather than creating a two-tier education system, where money buys you “quality”, we would like to see a system where low income & disadvantaged students receive the financial support they need to attend the higher education institution that’s right for them.

We believe that providing an approved statement of a University’s intended work on access is the most basic level of commitment to access, success and teaching excellence – therefore an approved Access Agreement would be an important entry criterion to the basic level of the TEF. For institutions to rise above this basic level- to go beyond and truly excel – we would like access to be integrated into every aspect of their work, including the development of inclusive teaching and learning practices. Meeting these targets and undertaking this work must be evidenced in order to achieve higher levels of the TEF. This would also allow for better sharing of best practice across HE and provide a more level playing field for both traditional and alternative providers, through equal information and assurances.

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) This is an incredibly low benchmark to achieve the first level of the TEF. Simply “meeting UK expectations” is hardly an indicator of teaching excellence and will allow the vast majority of institutions to raise their fees without any real indication that they provide excellent teaching and learning opportunities for students.

c) No, as there is no clear information on the metrics or assessment criteria that these levels will be awarded on. The “technical consultation” suggested will be key to the ways in which “excellence” is defined throughout the TEF and we are uncomfortable supporting fee increases that will depend on a definition that we currently have information about.

We are also concerned about the ability of the student loans system to cope with greater fee values, the locking of poorer students out of the best institutions and low-income students being perversely incentivised to attend low-cost, low performing institutions.

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 are concerned by the proposed inclusion of employers on the assessment panels which will decide the results of the TEF. We believe that this will threaten the independence of these panels, as we believe that their primary motivations (their own short term interests in competitive market places) do not correspond with teaching quality, or indeed what our economy and society actually needs. We are sceptical about their inclusion and the potential for their own vested interests to undermine those of students in what should be independent spaces. We would also like to see reassurances that student representatives would be present on the assessment panel. We would suggest that NUS representatives or students' union Officers would be the most appropriate student representation.

We believe that these concerns are neatly encapsulated by the proposal to include moves to GPA in the evidence presented by HEIs to assessment panels. Whilst we acknowledge the issues that persist for students in the current degree classification system, it's clear that the motivation for the move to GPA is not in the interests of students. Having participated in the recent GPA pilot scheme, we have substantial reservations about this system and it has become quite apparent that this move is in the primary interest of global employers, rather than students or their learning experience. Our reservations include:

- The creation of a new 'Grade Cliff' around 3.5 GPA*
- The ability for mitigating circumstances to be highlighted in a students' end classification*
- The lack of reward for students taking harder or more specific modules (such as modern languages), encouraging a "shopping behaviour" mentality.*
- The GPA is not immune to grade inflation, as seen in the USA*

- *The need for substantial work to consider how GPA would be implemented across quantitative and qualitative marking subjects.*

Furthermore, we would also like to see the protection of some form of student contribution to the TEF assessment, should it be introduced. Currently, the Students' Union has the opportunity to include a "Student Written Submission" during a QAA assessment. The SWS is compiled and written by student Officers, including student representatives, feedback from student surveys and comments from individual students on their teaching and learning experiences. Our students have commented that they find this work an incredibly valuable opportunity to have real input into improving their teaching and learning experiences. It is an opportunity for them to work in partnership with their students' union and with their institution to have real and meaningful impact on the quality of teaching at Birmingham and the SWS forms the basis of many of the changes to courses of study implemented by our student reps.

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.

N/A.

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.

We are unclear how the proposed approach to differentiation and award will ensure either the delivery of the best possible experience for students (through driving excellence at every institution) or the maintenance of a world class higher education sector.

The consultation states that the TEF will aim to show "clear and robust differentiation between and within institutions". We have no confidence that this aim is possible when such a confused basket of metrics is proposed by the government, nor are we convinced that students or employers will be able to fully understand what constitutes quality and what does not. This will be particularly problematic with the linking of fees.

As discussed above, we note that many of the proposed metrics for the TEF are poor indicators of teaching quality and are at substantial risk of "gaming" by

institutions, including NSS scores, employment data and staff contracts. Indeed, the consultation document itself criticises these indicators and metrics and “piecemeal” and inaccurate information sources, and the reason the TEF is needed in the first place. DLHE data on graduate destinations is, for example, only distantly related to teaching excellence – we do not assume, for example, that students graduating in a recession and struggling to find work are in this situation purely because of a decline in their teaching excellence. Nor do our students who drop out cite teaching quality as their primary motivation. We do not accept that teaching quality and graduate outcomes are directly linked. Even if we did, by focussing solely on these outcomes, the TEF will measure students’ employment, not their employability. We imagine that this, therefore, will also be less useful to employers.

Furthermore, the initial aggregation of this data up to institutional level will offer such a generalised assessment of “quality” to be of little use to students. Surveys such as the NSS – and its institutional level equivalent at Birmingham, the BSS – tell us the teaching & learning quality and satisfaction can vary considerably across an institution, between schools, departments and courses. Furthermore, we know that prospective students seek to compare specific course or department-level information when making choices about Higher Education – something that the TEF will not initially provide.

As the students’ union at a research institution, we also note that institutions of our type may not have the appropriate ‘pull’ to engage in the TEF. A smaller proportion of Birmingham’s funding comes from home tuition fees and our institution may be able to rely on its long-standing reputation and international links to ensure that it is not adversely affected by non-participation.

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.

We are incredibly concerned to see no provisions regarding the limiting of the fee cap to be set by the government, particularly as this power will fall to the Secretary of State. Contrary to the apparent “championing” of transparency of consultation, removing parliamentary accountability from the fee cap is a regressive move that allow the government to take on even greater and more undemocratic control over fee setting. This is not the market being allowed to set fees on the basis of quality, should that aim even be desirable.

We are also concerned that the suggestion to set fee caps for each of the individual TEF levels will not simply create fee differentiation, but will also provide an incentive to push fee caps above the current ceiling of £9,000. Even if matched by increased differentiation in the student loans system, we fundamentally oppose the lifting of the tuition fee cap and the attendant increased debt that will be pushed

onto our students. We are already aware that over 70% of students are concerned about their student debt and a third of current students would not have attended university without a maintenance grant. It is also worth noting that on top of these increased fees, students also have to contend with unexpected and substantial additional course costs upon their arrival to university – with Birmingham students paying on average £144 per year towards books or other study related materials. Other students incur considerable additional course-specific costs such as bench fees, field trips and travel to placements.⁶

To further increase fees will only make these figures worse – and could have a considerable effect on the numbers of students attending university, particularly from low income backgrounds as these students are most likely to be debt averse. We are also concern by the impacts of increasing costs and further debt upon students' physical and mental wellbeing: The NUS Pound in Your Pocket Report found 'that there is a clear association between high course costs and low wellbeing' and the Birmingham findings would seem to support that statement. 70% of students reported that they had to get help from family members to pay for some or all of the extra costs, 42% that they had to get a job, 40% that they had to go without other things, and 39% that they had to use an overdraft to cover costs. 54% report that they are facing financial difficult as a result of additional course costs, with 25% indicating that this is moderate or serious financial difficulty.

We believe that linking fees to the TEF as an incentive is completely flawed. There is no clear relationship between fees and the quality of a degree. Attempting to produce one is misleading and will undermine any potential to create a meaningful way of measuring teaching quality. In particular, for an institution choosing not to raise fees for any reason, a situation could arise where prospective students make an incorrect judgement over the quality of the institution. Prospective students may see lower fees to mean poor teaching quality rather than a desire not to overcharge students or to ensure students from poorer backgrounds are not discouraged by higher debt. What has been suggested, therefore, is a market mechanism which actively encourages fee inflation by institutionalising the myth that fees are proportional to degree quality.

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.

Though we broadly agree with the four categories of focus for developing excellent learning, we do not believe that current approach of introducing the TEF is the best way of supporting development of in these areas. Through our extensive work with our institution (on projects such as the Course Rep system, Outstanding Teaching awards etc.) we believe that students values direct input in shaping, collaborating

⁶ Guild of Students Student Voice Report 2013-14, p.14.

on and developing their teaching and learning experience. The proposed TEF metrics neither encourage nor measure this teaching,

The National Student Survey, for example, captures only a snapshot of a student's views toward the end of their degree. This allows short-term interventions in the third year to have a disproportionate effect on a student's responses, subsequently meaning that NSS results are likely to be skewed in many cases and not reflect the overall quality of a degree throughout each year of study and instead concentrates on things which occur in a short window at the end of a degree.

We are also concerned by the strong focus on "student outcomes" in the TEF proposals, particularly in relation to earnings data and DLHE destination data. It must be acknowledged that student outcomes have little to do with excellent teaching and, in fact, say much more about a students' background than the quality of their learning. Decades of research has shown that the largest single determinant of educational outcomes is class. 2014 HEFCE research, for example, found that state school-educated students are more likely to get a good degree than private school students, yet the Sutton Trust indicates that privately-educated graduates are on average likely to earn £4,500 more than their state-schooled counterparts three years after leaving university. Regardless of degree classification, subject or institutional reputation, graduates with the right social capital and networks are far more likely to end up in a good job. It is also worth noting the impact of gender and race on graduate employment and graduate premium: institutions with higher proportions of women or BME graduates will undoubtedly produce skewed employment outcomes and salary rates.

Furthermore, such a narrow focus obscures the value of careers which command more modest salaries but which are rewarding to graduates and vital to society. Comparing the salaries of, say, primary school teachers and commercial lawyers says virtually nothing about the quality of the teaching which led to their employment, nor their respective contributions to society, and could potentially de-value subjects and disciplines where students are oriented towards less remunerative but socially important professions. It also fails to capture the broad skills and qualities that students seek from Higher Education: independent critical thinking, self-organisation, community service, knowledge of national and international processes and developments, and so on. By fixing assessment on student outcome – or on narrow metrics such as time spent in class and contract nature of teaching staff – teachers will be strongly incentivised to spend less time and effort on wider social good and skills and students will be incentivised to act as consumer, seeking a specific outcome for their "investment", rather than partners in their education. Students are more than customers; they are members of the university and society, making more than a purely financial investment in their future. By focusing solely on student outcomes as measurements of teaching quality, we remove the responsibility for outcomes from the students themselves.

Our students repeatedly tell us that they value the extracurricular opportunities and "added" experiences they undertake during their time at university. Student outcomes should be much more focused around the various aspects of value added by a university education, including but not limited to skills and experience, personal development and confidence, and social and cultural understanding. This

would allow us to move beyond a single definition of “success”- Employers are also keen on this approach and have supported initiatives such as the Higher Education Achievement Report (HEAR) as a way of differentiating the wide range of success and personal development achieved in a degree.

Again, it is difficult to comment on these three areas of focus without full details of the metrics that will inform them, as these metrics will be the driving force behind how they are defined. We remain unconvinced that the proposed methods of defining teaching quality discussed in the consultation will be useful to students, teachers and institutions. We are also surprised that, for a document that purports to focus on teaching quality, there are only two mentions of “academics” and two mentions of “teachers” throughout. Conversely, “what employers want” appears 35 times. We are concerned about the implications of this for the definition of teaching quality may be. We would expect academic and teaching staff to play a key role in defining and identifying excellent teaching, alongside students themselves.

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.

Undoubtedly, as a representative body for students at the University of Birmingham, we are keen to encourage excellent teaching and learning experiences for our members during their time as students. We work hard in partnership with our institution to identify, expand and encourage areas of teaching excellence across our institution through our jointly operated Student Representation Scheme, outreach activities, student survey responses and 1:1 feedback sessions with students.

With this experience in mind, we would like to note our concerns around the metrics used to measure teaching quality, learning environment, student outcomes and learning gain. As discussed above in our response to Question 3, many of the proposed metrics for the TEF are poor indicators of teaching quality and are at substantial risk of “gaming” by institutions, including NSS scores, employment data and staff contracts. Indeed, the consultation document itself criticises these indicators and metrics and “piecemeal” and inaccurate information sources, and the reason the TEF is needed in the first place. We know that institutions often incentivise student responses to the NSS, encouraging inflated responses from students. We know that DLHE data, which monitors progress into jobs six months after graduating, is often manipulated to give “90% employment rates!” for institutions, when these careers often have little relation to the teaching received by students nor the skills they have developed. We’re concerned by the inclusion of teaching intensity: hours spent in class has little correlation to quality of learning, and our students tell us that class size, access to resources, challenging and

innovative teaching and being treated as partners in their learning has a much bigger role to play in “teaching excellence”.

The proposed metrics are not unpacked significantly in the data – again, in reference to the promised and almost mythical forthcoming technical consultation – but many of them appear to pose significant problems in terms of creating unexpected outcomes and perverse incentives. For example, by focusing on the levels of teaching staff on permanent contracts, the TEF will do nothing but encourage gaming of this data and the removal of teaching opportunities for Postgraduate researchers, rather than addressing the underlying issues of casualization of teaching staff. Students tell us that it’s not who a teacher is (particularly in terms of their qualification level) that matters, but the level of training, support and aptitude for teaching that they have. As the consultation suggests, full-time researchers may not make the best teachers. Furthermore, we are aware that students from certain protected backgrounds – such as BME people, for example – are more likely to drop out during their time at university. These metrics could perversely encourage institutions to reduce recruitment from these protected groups in order to “game” the TEF.

Our concerns around “gaming” are particularly pertinent if these metrics are to remain at an institutional, rather than a subject, level. We’re concerned that this will lead to institutions finding ways to illegitimately improve the figures in their metrics rather than actually focusing on improving the quality that the metric is supposed to measure. (This is particularly concerning as there is no mention of a Student Written Submission, or equivalent, to be submitted alongside the institutional evidence, nor an institutional visit by the TEF panel, which would go some way to providing an independent, student voice on teaching quality). We see from the use of the National Student Survey by some institutions, that institutional level market information is used to drive market competition – leading institutions to focus their attention on the data rather than the underlying drive to improve standards. The risk of gaming is far higher in a TEF that is based on quantitative data and outcome metrics, as statistics are often easy to manipulate.

Social mobility and widening participation (Part A: Chapter 4)

Question 12:

- a) Do you agree with the proposals to further improve access and success for students from disadvantaged backgrounds and black and minority ethnic (BME) backgrounds?

Yes No Not sure

Please give reasons for your answer.

We are pleased to see a focus on both widening access to higher education to students from both disadvantaged and BME backgrounds, alongside a focus on ensuring that these students are able to succeed once they are at university. The BME attainment gap remains a pressing issue across the sector, and we are aware of both a disparity in attainment and in satisfaction between black

and non-black students here at Birmingham. The attainment gap was highlighted as a key issue in our QAA Student Written Submission 2015 as a result of student feedback. Here at Birmingham, we saw an 11.5% difference in attainment between BME and non-black students in 2013/14, mirrored by a 8% gap in satisfaction rates between BME students and their non-black peers. Notable differences in satisfaction with teaching experiences, feedback and academic support include:

- 9% difference for 'Staff have made the subject interesting'
- 6% difference for 'The criteria used in marking have been clear in advance'
- 5% difference for 'Staff are good at explaining things'

However, we believe that the setting on new targets and the focus on disadvantaged white males & BME students in the TEF is not enough to address these issues. Institutions alone cannot tackle attainment and application inequalities – this is an issue that requires direct public investment, both in careers & guidance services in schools and in maintenance grants (and other financial support, such as the Opportunity Fund), which this government is currently seeking to slash. Such financial support is key for BME, LGBTQ and low income background students, groups of students who are also more likely to be unable to depend on parental financial support during university and / or be first time HE applicants within their families.

We're also concerned that the proposed metrics for the TEF do not take into account measures to improve teaching that may tackle the attainment gap – for example, a diversified curriculum, a diverse teaching staff, small group sizes, students as partnership and schemes such as the BME Mentoring Scheme run here at Birmingham. We know that graduate outcomes are indelibly shaped by class, race and gender – these proposals do nothing to tackle these issues. However, we are pleased to see that TEF metrics will be presented in such a way to highlight separately the progress made within protected groups. This will go at least some way in ensuring that the most selective institutions don't end up looking the best purely because most of their students come from privileged backgrounds and have more social capital.

In short, though we appreciate these statements on widening access – and the government clearly wishes to encourage more students to attend university – raising fees, scrapping maintenance grants and privileging a market driven system all create far greater barriers to access than any of these measures will solve.

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.

We are pleased to see that providers will be held accountable for their progress on widening participation, and we hope that this will encourage institutions to further prioritise access. As discussed above, presenting metrics separately by protected group should also encourage attention in this area, as should the ability to reject an access agreement if it fails to meet the set targets. However, as noted in our previous answer, we believe raising fees, scrapping maintenance grants and privileging a market driven system all create far greater barriers to access than any of these measures will solve.

We also believe it would be a good idea to strengthen the student input and voice in the development of Access Agreements. Currently, there is an expectation from OFFA that a provider consults with its student representative body, and that body can also write an accompanying letter to the DfA outlining any concerns or praise it has for its provider. The current National Student Survey review proposes that student voice is strengthened in decisions about optional bank questions, to require that decisions are co-signed by provider and the student representative body. We would recommend that a similar proposal is implemented for Access Agreements.

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

We are concerned that the proposed cuts to maintenance grants will have a hugely detrimental effect on the ability of low income students, who are the most debt-averse group of students, to attend university. When compounded with proposed cuts to Disabled Students' Allowances and rising fee levels, we are particularly concerned also by the impact this will have on our disabled students who are often supported by maintenance grants and other financial grants during their time at university.

The green paper consultation also makes no reference to mature and part-time students, an area in which we have seen application numbers fall dramatically since the introduction of £9k fees. According to HESA, part-time student numbers have dropped by 212,000 since 2009 / 10 and mature student numbers have dropped by 43%. Support for these students, often attending university for the first time and looking to upskill or re-train, is a gaping hole in this consultation. Although the recent Spending Review opened up loans to part-time and Postgraduate students, we believe that these barriers to access are complex and need further examination.

Question 13:

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

N/A

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

N/A

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.

N/A

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.

N/A

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

N/A

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.

N/A

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.

We believe that it is vital that higher education providers have robust contingency arrangements in place, and that these are regularly reviewed and amended in partnership with the student body.

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.

It's currently difficult to comment on whether we agree with the proposed changes – the list of powers and duties for the new Office for Students is extensive and a number of these could have significant impact on students – in particular, the administration of the TEF, Access & Widening Participation, student protections and the allocation of the teaching grant.

Whilst we are keen to see the interests of students at the heart of higher education – and the OFS will have a “duty to promote the interests of students” – we are unsure of how this will be balanced by a system that seeks to “promote the interests of ... employers” and to be an “open, market-based and affordable system”. We are keen to see students and students’ unions – not TEF metrics or the interests of employers – deciding what the student interest is. We expect that students will be represented on the OFS governing body, as they are on HEFCE and QAA boards currently. For OFS to have any credibility, it will need to give power to learners in its governance structures.

Furthermore, with the proposed opening of the higher education sector to new private and alternative providers, it is key that the OFS has a strong voice on protection and re-dress for students, particularly in a potentially volatile and expanded “market”. It would be in the real interest of students for the introduction of the OFS to see a strengthening of the OIA, with a strong focus on redress for students let down by poor provision – indeed, the OFS enforcing an independent ombudsperson not just for the country, but within each institution (and networked by the OIA) would be a real step forwards in this area.

We note that the green paper consultation suggests that the government will “set the priorities for the teaching grant” regardless of OFS, with the option to take complete control over teaching funding, allocation formulas and the distribution to providers in order to strengthen “incentives for higher education provision that

supports the needs of the economy". We also note that the Secretary for State will be reserving the power to set the tuition fee cap, removing the need for parliamentary assent. We are concerned that these proposals will limit the autonomy of the OFS and the transparency and accountability of these decision making processes. Despite an outer garb of "student interest", we are concerned that these proposals represent nothing but government intervention into HE, in order to stimulate a market that has not yet come to fruition in the way desired. Rather than a "light touch" system of deregulation, we believe this represents simply a new system of government regulation.

We feel strongly that students and their representative bodies must be fully involved at the earliest stages in the process of deciding on the structure, remit and governance of the Of and that they are adequately represented in the OfS governance structures.

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?

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

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

- Agree Disagree Not sure

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

- Agree Disagree Not sure

Please give reasons for your answer,

We note that the green paper consultation suggests that the government will "set the priorities for the teaching grant" regardless of OFS, with the option to take complete control over teaching funding, allocation formulas and the distribution to providers in order to strengthen "incentives for higher education provision that supports the needs of the economy". We also note that the Secretary for State will be reserving the power to set the tuition fee cap, removing the need for parliamentary assent. We are concerned that these proposals will limit the autonomy of the OFS and the transparency and accountability of these decision making processes. Despite an outer garb of "student interest", we are concerned that these proposals represent nothing but government intervention into HE, in order to stimulate a market that has not yet come to fruition in the way desired.

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In regards to OFS determining formula allocations, we require further information on how this will be allocated – we have already noted above our concerns with the flawed TEF definitions of “teaching excellence” and our concerns regarding employer involvement in the governance of the OFS. We would support further direct public investment in the Higher Education, rather than increased fees or TEF-related financial incentives.

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.

We are concerned about the ‘watering down’ of regulation new and alternative providers – as discussed above, the pass criteria for the basic-level TEF will simply be an institution’s most recent QAA review. Simply “meeting UK expectations” is hardly an indicator of teaching excellence and will allow the vast majority of institutions to raise their fees without any real indication that they provide excellent teaching and learning opportunities for students. If this is representative of the “minimum baseline conditions” that OFS will be required to ensure that all new and alternative providers meet, we would certainly dispute that this new regulatory system will be “in the student interest”.

New private providers will need only to meet basic quality assurance benchmarks to access public funds and, in some cases, providers will have no requirement to sign up to access agreements. They will not, therefore, have to provide any financial student support institutionally. The new “light touch” system appears designed to help private providers compete with public ones. By including all providers in the same regulatory system, we are concerned that significantly more degrees will be available to students, but with little regulation over their quality.

With the proposed opening of the higher education sector to new private and alternative providers, it is key that the OFS has a strong voice on protection and redress for students, particularly in a potentially volatile and expanded “market”. It would be in the real interest of students for the introduction of the OFS to see a strengthening of the OIA, with a strong focus on redress for students let down by poor provision – indeed, the OFS enforcing an independent ombudsperson not just for the country, but within each institution (and networked by the OIA) would be a real step forwards in this area.

We feel strongly that students and their representative bodies must be fully involved at the earliest stages in the process of deciding on the structure, remit and governance of the regulatory framework and that they are adequately represented in the OfS governance structures.

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

The National Union of Students' response sets out evidence and an approach which we agree with and would strongly endorse.

The Guild of Students represents the 34,000+ students studying at the University of Birmingham, both locally and nationally. Alongside our representative & democratic functions, we also run a host of services (both independently and in partnership with our institution) covering advice, welfare, support, student groups, jobs, skills, volunteering, social activities and more. We regularly engage with - and support - thousands of students during their time at university.

As enshrined in the Education Act (1994), we exist to promote the general interests of our members as students. As such, we are a registered charity and are thus regulated by both our parent university and the Charities Commission. We were surprised to see the proposals to improve union practices and increase transparency around how funds are spent reference the current trade union reforms, as students' unions are organised very differently due to our charitable status. Unlike trade unions, we are prevented from direct political campaigning and activity and we are funded by our institution because our activity fits within the educational mission of Higher Education. In short, we believe this analogy is deeply inappropriate.

As charities, we regularly publish committee minutes, trustee information and board minutes, performance information and yearly financial updates for all members to view on our website. Our strategic plan is available to both members and the general public to view, and we publish yearly updates on Guild progress against this plan in the form of our Impact Report. We also work with our parent institution to track our progress against strategic targets and other metrics (including, for example, National Student Survey performance) during our annual block grant allocation process, with good performance mapping directly onto our funding levels. Furthermore, we are currently participating in the National Union of Students' Good Governance Review and, on a local level; we undergo a rigorous Quinquennial Review process with our institution. Every year, thousands of students elect Guild Officers, both full- and part-time, to represent and lead the Guild. Last academic year, over 13,000 votes were cast across Guild Elections. Having just undergone a democracy review, we have effective representational structures in place to ensure officers are held to account by our members. Every single member is now able to suggest changes to the Guild, or policy for us to adopt, which are voted on online by all members. This online democracy portal also tracks the progress of ideas adopted and motions passed. We also ensure that each full time officer has a visible Officer Action Plan, accessible to

all members on our website, with progress tracked throughout the year. Having recently undertaken an in-depth survey of our student body, which sourced individual responses from nearly 4,000 University of Birmingham students, we are confident that officer visibility, accountability and progress are only increasing.

Over the last year, we have supported over 15,000 student group memberships, 5,500 student job hunters, nearly 1,000 student reps and 1000s of welfare & advice enquiries. We work in partnership with our institution in our community, in our halls of residence and in improving the academic experience of all of our students. In the words of a letter jointly signed by our Vice-Chancellor and Guild President, "our students' union delivers unprecedented opportunities and value to our academic experience and students at Birmingham".

We are particularly concerned, then, by attempts to improve the "transparency" and "accountability" of students' unions, particularly in the light of changes recently proposed to trade unions. With little suggestion in the consultation document as to what measures may be proposed, it is difficult for us to comment further, bar suggesting that we believe that we already operate with a regulatory framework (as a registered charity) that ensures that we are transparent, accountable and acting in the best interests of our members.

In short, we believe that students' unions are already effectively regulated in relation to transparency and accountability through the Education Act 1994 and Charity Law

It is also bizarre that at the same time as consulting on improving the transparency and accountability of SUs, that HEFCE has resolved to abandon Question 23 in the National Student Survey- the only national outcome/satisfaction measure on SUs available to applicants. We note, however, that although the Guild is thoroughly embedded in institutional review processes, there may be some evidence that compliance with Education Act provisions – alongside the degree and depth of review processes – is on a spectrum within the SU sector. We would argue, therefore, that there may be some merit in the Office for Students providing some form of guide or standard of compliance and review to Universities & Unions. In addition, we would ask that a requirement to "adequately fund" Students' Unions with particular and separate reference to their representative and independent advocacy functions should be established and monitored by OfS, alongside the entitlement to consultation and independent individual / collective advocacy to be enshrined in law for all students.

We feel that the accountability of students' unions would be best improved by a strengthening of the student voice within universities and the continuance of our work in partnership with our institutions. Any restriction of our democratic functions or representation structures – particularly the introduction of higher quoracy minimums or "opt in" membership – would only restrict the services, representation and accountability that we can offer our students. Students' Unions have a long and proud tradition of standing up for our members, improving education quality and being at the forefront of progressive campaigning in the UK. We would be disappointed to see this legacy cast aside.

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.

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We also believe that with the introduction of postgraduate taught loans and the subsequent increase in support for postgraduate study, the issue of postgraduate access and widening participation needs to be dealt with more effectively, to ensure that both students and the taxpayer are adequately protected. We therefore strongly suggest that the government looks into expanding the role that OFFA currently have to include a postgraduate remit and allow the OfS to put in place measures which ensure that fee inflation in an uncapped postgraduate market does not have a negative impact on access, nor does it have severe implications on the sustainability of the postgraduate loans scheme.

We note that the green paper consultation suggests that the government will “set the priorities for the teaching grant” regardless of OFS, with the option to take complete control over teaching funding, allocation formulas and the distribution to providers in order to strengthen “incentives for higher education provision that supports the needs of the economy”. We also note that the Secretary for State will be reserving the power to set the tuition fee cap, removing the need for

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We are pleased that the student experience will be central to this new body, but in order for students' interests to be fully taken into account then this will require strong partnerships with students and their representatives. We feel strongly that students and their representative bodies must be fully involved at the earliest stages in the process of deciding on the structure, remit and governance of the OfS and that they are adequately represented in the OfS governance structures.

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

Yes No Not sure

Please give reasons for your answer.

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.

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

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 believe that a sector as important to the country as higher education should be proud of its high standards. We believe that wherever possible, we should always look to level up standards and constantly strive to increase the level of accountability and transparency within the sector.

Yes No Not sure

Please give reasons for your answer

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?

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

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

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.

We have considerable concerns regarding both the timing of this consultation and with the form of the questions themselves.

Under the guise of “value for money” and the “student interest”, the majority of the initiatives announced in this green paper seek to compensate for the failures of

Lucy Gill 15/12/2015 16:20

Comment [1]: Might be worth getting the Universities response to shape this bit...

marketization in higher education and seek to impose greater centralised control, regulation and market manipulation.

It has been very difficult to comment on the major proposals in this document: in particular, much of the detail regarding the TEF has been postponed for a later "technical consultation". It is impossible to comment on definitions of teaching excellence and the proposed metrics, categories and incentives contained within the TEF without further information on this key issue. In the same vein, it is impossible to comment on the operation of the Office for Students when so many key functions and structures are in doubt. Thanks to careful structuring of questions, there is no capacity to address the flaws in the TEF, the adoption of key powers by the Secretary of State and the restructuring of higher education around economic impact & the transient needs of employers.

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