



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

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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
X	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?

The emphasis on equality and diversity is welcomed and underlines the value of higher education as a positive driver for social change. It is entirely appropriate that universities seek to ensure the composition of the student body is broad and diverse. However, there are a number of concerns that government policy is not aligned behind this proposal.

One example is the removal of student maintenance grants for the poorest university students in the 2015 Budget. This may impact negatively on student diversity.

There are concerns related to the proposed link between TEF success and the ability to charge higher fees. As the major factors affecting diversity are often socio-economic, there is an apparent contradiction as universities who provide the best teaching will be able to charge a higher fee - possibly excluding those students from poorer backgrounds. Significant bursaries may be required to support diversity in these circumstances.

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

Yes

No

Not sure

Please provide any further relevant evidence.

There appears to be an emphasis on 18 year old school/college leavers throughout the paper. There is little reference to part-time and mature students.

It is noted that the Green Paper makes no reference to the diversity of staff at institutions.

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.

In terms of student decision-making, if the metrics are 'responsible' then students will be able make informed course choices on the basis of teaching quality at an institutional and discipline level. In respect of employer decision-making, if the assumption is that employers will select students from high quality teaching institutions the TEF would assist employers. However, it is felt that institutional/discipline teaching quality would not be of value to employers for student recruitment purposes. Indeed, it is questionable whether the current array of quality information and outcomes are used by employers.

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.

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: although it should be noted that disadvantage described in the consultation document does not include socio-economic disadvantage. In terms of other mechanisms there needs to be a mechanism to ensure that all HE providers are committed to equality and diversity and that students are treated fairly and equitably.

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) **No:** the concern is with the February 2016 cut off. This will result in some institutions being judged on the basis of reviews that are outside the intended TEF five year cycle (i.e. against QAA 2009 outcomes). QAA continues to conduct HE Review during 2015/16, and it would seem equitable and fair to use the outcomes from the latest HE Review cycle for as long as QAA continues to conduct HE Reviews.
- b) **No:** incentives should only be open to alternative providers that have engaged in QAA Institutional/HE review. Incentives are predicated on a successful QAA outcome, the current metric for teaching excellence. To do otherwise could not be considered as equitable and fair.
- c) **No:** Year two, in our view, seems very early to move to differentiated levels, also there are some fundamental concerns regarding the level differentiation – which has not been articulated in the consultation document. All students in England and Wales should experience an excellent university education.

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

Timing?

Yes No Not sure

Assessment panels?

Yes No Not sure

and process?

Yes No Not sure

Please give reasons for your answer.

Timing - Yes: we agree that there should not be an annual cycle. We would support a three year rather than a five year cycle

Assessment panels – Not sure: Not sure: we are supportive of a Panel approach but how is the Panel selected? What is notion of an expert in learning and teaching – how this this defined? What is the notion of student (Current, Alumni, FT/PT education)? Should that student be a representative or an advocate? What is an academic expert – is it a permanent role? Is it peer review or judgement from experts? How are Panel members selected and what training is provided for Panel members? The role of professional bodies is considered to be very positive as provides continuity with PSRB forums. The detail regarding the approach is critically important, but is largely absent from the consultation document.

Process - Not sure: in the absence of a visit it is hard to envisage how the academic culture of an institution can be determined. Also, given the significance of the outcome(s) from the process, there must be an appeals process.

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.

These processes are administratively burdensome, and operating a four tier differentiated system is likely to add to the administrative burden. If the methodology is to effectively differentiated, and in order to ensure comparability of outcomes, it is important that data are valid. Using existing data and returns would help to reduce the load. The potential administrative costs should be viewed in the context of the Report to HEFCE by KPMG (June 2015): *The cost to providers in England of existing quality assurance and quality assessment practices*.

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.

Not sure: Differentiation at discipline level is more administratively burdensome, but if the primary purpose of the TEF is to inform student choice then as students make decisions at the course level the TEF should be aligned. Furthermore if the TEF is subject-based, institutions will be more able to focus appropriately on the enhancement of academic practice. The aggregation of outcomes for the generation of an Institutional score is not welcomed, as this may not be an accurate measure of teaching quality.

However, the discipline structure would need to align with NSS reporting levels through JACS and the sector would need an authentic, consistently applied definition of discipline. REF has different subject reporting groups which are not aligned with NSS therefore there will be issues to what is the notion of 'discipline' and how will it align with existing metrics. Maybe this represents an opportunity to also review JACS codes.

Differentiation in terms of institutional levels 1 to 4 is not welcomed. All students should have access to excellent teaching.

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.

No: TEF is based on the assumption of fairness and equal opportunity mobility, but incentivising institutions who succeed to increase fees undermines the construct of social mobility. It is not logical to provide fewer resources to 'under-performing' institutions – an unintended consequence is that this prevents providers from resourcing problematic teaching areas.

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.

Yes: however the definition of 'learning gain' needs to be agreed. The document suggests it supports students from different backgrounds, but learning gain may be framed differently in different disciplines. For example, learning gain may be considered greater in medical schools as students evolve from novice to expert practitioners.

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.

No: there is a mismatch between what is stated in the document as representing teaching quality and the metrics. For example, employability is not discussed but DELHE data is proposed. The need for common metrics is appreciated but these need to align with teaching quality, learning environment and learning gain. The proposed approach is very blunt and not aligned with stated definitions.

Future metrics suggested include training and employment of staff, but no measure of teaching qualification/recognition is proposed? Other metrics could also be considered, for example UKES engagement data. Other tools applied in other parts of the world, such as NSSE, are worthy of investigation.

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.

Not sure: we fully support the objective to improve access and success for students from disadvantaged backgrounds and BME backgrounds. However, the only concrete proposal in the document is the name blind application, and this would have limited impact given the nature/purpose of the personal statement.

- 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.

Not sure: it is unclear how the Office of Students would agree the target(s).

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

No response

Question 13:

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

No response

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

No response

Opening up the sector to new providers (Part B: Chapter 1)

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

- Yes No Not sure

Please give reasons for your answer, including information quantifying how the potential cost of entry would change as a result of these proposals.

The principle of competition is one which high quality, confident institutions should not fear. However, it remains unclear how the proposed 'single route' will deliver on the stated objectives as the paper provides no evidence to support the concept that a wider range of higher education providers "stimulates competition and innovation, increases choice for students, and can help to deliver better value for money".

If the objective is to allow high-quality entrants to operate within the higher education sector it follows that the removal of the existing processes that ensure high quality and replace them with arguably a process with less rigour seems contradictory. Assessing any provider against rigorous requirements must be a part of any assessment of "high quality". If a provider is truly high quality but cannot pass the existing validation process, then there must be a clear definition of what "high quality" actually means.

As stated in the Green Paper "Higher education in England rightly has an excellent global reputation, and we must ensure that reputation is maintained". There remains concern that the single route may not deliver an appropriately rigorous process committed to preserving the high quality and reputation of English Universities.

Far from representing "a very significant step in creating truly competitive provision for higher education in England" these measures may, based on the actions of a few providers, lead to substantial international reputational damage and suspicion about the quality of English HE.

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.

Yes - The proposed routes to accelerated eligibility for DAPs and University Title [UT] contain inherent risks. In the event that an institution has these removed this is likely to result in reputational damage to the UK HE sector as a whole and to students at these institutions.

The current system awards DAPs and UT following a stringent set of tests on a permanent basis. This is designed to ensure that only high-quality institutions are permitted to use the title of 'University' and award degrees.

The potential withdrawal of DAPs will have a negative impact on the value of a qualification gained from that institution.

The existing model is designed to ensure that only secure, stable, long-term, high-quality providers can access DAPs and UT, and whilst there is the opportunity to review and refine the processes, maintaining the reputation for high quality provision is paramount.

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

The validation of programmes at partner institutions is a model that operates effectively, has been successfully implemented for a number of years, and is governed through the QAA Quality code. The approach provides a secure method for a new Institution to obtain DAPs and UT.

The suggestion that new legislation to allow "the Office for Students" to "itself take on a validation role, perhaps delivered through another body under contract" may be problematic and un-competitive if this is "sub-contracted to a private validating body". It is not clear that a new provider would wish to offer degrees validated by the Office for Students. In addition, the role the OfS would take in safeguarding academic standards needs greater clarity.

The possibility that "With new legislation, Government could give DAPs to non-teaching bodies, with no incumbency interest, in order to widen options for validation" is in contradiction to the key principle of higher education based on a demonstrable link between teaching and research.

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.

- “Allowing designation applications from new providers throughout the year, hence meaning that timing of the HER would no longer prevent an AP from accessing a specific ‘window’”. It could be argued that the requirement to be able to plan to apply at a specific time would be in itself a pre-requisite that demonstrates a capability for good governance and the ability to plan financially.
- “Introducing a probationary designation period, during which the validating partner plays a more hands on role to ensure quality, and with in-year monitoring and quality assurance”. This seems to be a sensible and pragmatic proposal that helps mitigate potential risks for the institution and its students, and for the reputation of the English HE sector as a whole.
- “Allowing providers to apply for HER after having applied for course designation, so that the processes run in parallel”. This proposal carries the risk that the track record requirement is seen as unimportant. Also, more clarity is required on how HER would operate with transfer of responsibility from QAA to OfS and TEF.
- To ensure financial sustainability, the proposal to possibly reduce the three year track record to two years appears to carry inherent risk in providing for a very limited view of sustainability over time.

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 fully support 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. This is an essential and non-negotiable element.

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.

There does not appear to be any new functions in the proposals that do not already exist. How these functions are structured and organised is open to debate.

The focus on viewing HE as a consumer commodity, at least in the eyes of students, is somewhat one dimensional. Accepting the view that HE institutions provide much broader benefits – to society and to employers – but regulation and the governance structures are viewed solely through the student-as-consumer lens (and the “customer is always right” paradigm) places at risk these widely accepted benefits.

b) To what extent should the Office for Students (OfS) have the power to contract out its functions to separate bodies?

Fully Partially Not at all

If the OfS contracts out its functions, then the rationale for streamlining the structures is placed at risk and the system ends up with a group of quangos

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

If the OfS was permitted to contract out functions this should go hand-in-hand with appropriate levels of Government oversight.

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,

One of the key strengths of the HE sector is the autonomous nature of institutions. Each institution has its own strategic agenda designed to address local, regional, national and global objectives. A completely centralised approach to the allocation of the teaching grant may mean we lose this important nuance.

Question 19: Do you agree with the proposal for a single, transparent and light touch regulatory framework for every higher education provider?

Yes

No

Not sure

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

The Green Paper states that “Alongside reforming the system architecture, the Government proposes to put in place a new single, transparent and light touch regulatory system”. It could be argued that this is a contradiction between this statement and the potential consequences of introducing a differentiated, burdensome, centralised and bureaucratic regulatory system: the TEF. Simply stated, by transferring regulatory control to a single body does not make the system any more “light touch” than the existing model.

Assuming that high quality existing universities are deemed to be in the very low risk category then we can rightly expect a lighter burden; however, experience suggests that this is highly unlikely.

It goes without saying that the framework would have to be effective across an increasingly diverse range of providers.

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

It is vital that student unions have the freedom to continue their “important role representing student views and promoting the provision of academic and other services”. In this regard student unions are given autonomy. To increase their

regulation would be contrary to the spirit of the Paper, which claims to seek to give students freedoms.

Perhaps there are opportunities for partnership working between the OfS and NUS, without the need for regulation.

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.

There are potential benefits to both students and institutions in the proposed duties and powers of the Office for Students. There is, however, concern with the haste of the consultation.

The “power to require providers to meet conditions to protect students in the event of course closure or provider failure, giving students the essential safeguards they need and protecting the taxpayer” is welcomed, although it does suggest that there is a high risk that there will be some systemic failure in the new system.

The risk-based regulatory framework may be appropriate, but its implementation is important to minimise the possibility of operating a stratified and diverse audit process across the sector

The “power, potentially, to validate providers’ courses” is of great concern for the reasons expressed previously.

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

Yes No Not sure

Please give reasons for your answer.

The primary rationale given for the regulatory framework is to protect “students, employers and tax payers”. As there is no direct benefit to institutions – and as question 23 seems to wish to totally declassify institutions as public entities – it is unclear on what logical basis this proposal for a subscription funding model might stand.

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.

There is insufficient detail here on which to make a detailed informed response.

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

There needs to be continued recognition that HEIs are autonomous bodies, and this should be enshrined appropriately in legislation, e.g. limiting the powers of the OfS and the Secretary of State.

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.

The recognition of the “maturity and autonomy” of Higher Education Corporations is welcome. The greater flexibility afforded within the proposals to agree and revise powers within the instrument and articles is also welcome.

Whilst we may welcome speeding up the process, the question remains does recourse to the Privy Council provide the sector with a degree of ‘protection’ from Government, and contribute to the autonomy of HEIs and the Sector as a whole?

Undoubtedly the costs associated with FOI are significant. Estimated at around £230k of staffing cost each year. Being excluded may provide some financial benefit but perhaps having all providers, including new/alternative providers, subject to the FOI requirements may be of benefit to the public interest and for the sector as a whole.

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?

Firstly, in consideration of the structural entities featured in the future landscape, if the constitution of Research UK can indeed address weaknesses in the operation of the Research Councils (e.g. reducing the administrative burden) and lead to enhanced and productive communications and interactions between Research UK and organisations/departments in “the wider research endeavour”, then this is a reasonable addition to the landscape. Indeed, the potential integration of Innovate UK into the Research UK structure provides an opportunity to strengthen collaboration between the business and research communities in a variety of ways, including co-investment and co-commissioning.

It is important that Research UK is not seen as an additional Research Council. However, if Research UK is to incorporate the research functions of HEFCE including the REF (assuming the dual support system is preserved), and its Executive Committee establishes and administers a common cross-cutting research fund (e.g. to support multi- and inter-disciplinary research), it will become a fund-awarding body. There is a risk/likelihood that the intended distinct identity of Research UK will be eroded on this basis.

Retaining status quo with the preservation of the discipline-focussed Research Councils is sensible, and should ensure significant elements of autonomy in relation to research strategy and strategic leadership are sustained.

Question 25:

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

The University is absolutely in accord with Sir Paul Nurse’s view that the dual support system should be preserved. The criteria for successful RCUK appraisal/outcome are not the same as those applied for REF/quality-related (QR) success. Arguably, success in acquiring Research Council funding for research is not wholly indicative of research (output/outcomes) quality. Thereby, this University considers the independent assessment of research quality in the REF to be a highly significant and valuable feature of the research funding landscape. Additionally, as a minimum, we expect the same budget proportions as are currently defined between the higher education funding councils and the research councils to be retained for QR funding, and would welcome safeguards to ensure that these arrangements exist in the long-term.

Distribution of the QR element of dual support must not be a responsibility of the Executive Committee of Research UK. The constitution of the Executive Committee is dominated by representatives of the Research Councils; for the committee to make decisions over QR funding would clearly defy the philosophy underpinning the Haldane Principle. Dual support should continue to be administered independently by distinct entities to ensure that funding streams are separate. In essence QR funds must continue to be used to support a wide spectrum of activities, including some of the most innovative and impactful research endeavours that arise from university-business collaborations.

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

In principle, the University does not object to this suggestion. We would welcome input into a sector-wide consultation on which parts of the research funding landscape could be included in any ring-fencing.

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?

a) The REF facilitates reflection on institutional and local research and engagement strategies; it is a driver for defining future strategic developments at this University. REF outcomes in-part, determine the support and/or resources that may be allocated internally.

The inclusion of Impact as a distinct element of REF in particular, has helped to raise the profile of the University's external engagement activities at all levels of the institution and beyond, not just within a specific School or subject area.

Institutional reputation and subject benchmarking for research quality underpin the University's decision to participate in the REF. Other key benefits include the autonomy to use the QR afforded by strong performance/outcomes in ways that are institutionally driven and not necessarily externally dictated.

b) The identification of research excellence in the UK can fuel further investment, and sector-wide and international recognition e.g. impacting on international student & staff recruitment and mobility.

Institutional and sector benefits can largely be preserved by retaining the status quo with regards to the assessment of research quality in UK higher education institutions. The University supports the retention of staff selection as a key factor in the assessment process. We advocate for continued autonomy, in accord with REF2014 and prior assessment exercises, to select the research submitted to any quality assessment exercise, wherever it exists within the institution. Having the ability to select and submit our very best work without penalty is important for the future evolution of research at this University

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

The two most burdensome aspects of REF2014 were newly introduced compared to RAE2008: the retrospective collation of evidence pertaining to impact case studies, and implementing a University-wide process for staff to disclose individual circumstances that had constrained their ability to work productively throughout the assessment period. In both cases, having a full (or elongated) REF cycle in which to prepare and embed defined processes based on prior experience, will significantly reduce the burden of these elements in a future REF.

The significantly reduced set of standard data required for assessing the research environment in REF2014 was a welcome change; the focus on just PhD completion data and (HESA) income data equates to the most appropriate metrics for assessment at UOA level. Extending the assessment of other aspects of REF using standard data should be considered, but only where there is (sector-wide) confidence in the use of any appropriate metrics (relating to certain subject areas).

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

- Significantly increased coverage of arts, humanities and social science disciplines by abstract and citation platforms (e.g. Scopus, Web of Science) and an extension of the types of research outputs indexed by these platforms.
- Publishers providing more extensive but consistent metadata on published research outputs
- Sector mandates e.g. ORCID
- Clearer standards concerning the interoperability of research information management systems

Do you have any other comments that might aid the consultation process as a whole?

No further comments.

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