



Department for Business, Innovation & Skills

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

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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
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?

Please see our answer to Question 12.

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

Yes No Not sure

Please provide any further relevant evidence.

Please see our answer to Question 12.

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.

A well-designed TEF could bring benefits. Students should have access to the best possible information about teaching quality to support their decisions about higher education, and the TEF could be a useful additional source of information. Through the TEF, universities would be encouraged to make strategic and management decisions that support and improve teaching. The TEF could also provide further evidence that UK university teaching is genuinely world leading, similar to the way in which the REF has confirmed the international status of UK research.

The rationale for the TEF presented in the Green paper is problematic in two ways. First, there is a strong emphasis on concerns about teaching quality in Higher Education (e.g., paragraph 15 of the Introduction says that a third of undergraduates paying higher fees in England believe their course represents very poor or poor value for money). However, student satisfaction across the sector is increasing, and the best evidence we have indicates that the majority of teaching in the sector is very good. This high-performance starting point should be emphasised, whilst acknowledging that variation in teaching quality does occur. If this is not done, there is a real risk that the TEF will undermine the reputation of UK Higher Education, which derives from real excellence. Secondly, the paper highlights a presumed tension between research and teaching, suggesting that research-focussed institutions pay relatively less attention to teaching and teaching quality. We dispute this. Instead, we would like to see an emphasis on the synergy between excellent teaching and research, and particularly on the value of research-led teaching provided by leading scholars and scientists. This synergy is one of the reasons why research is such an important driver of university reputation and prestige.

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.

Although we agree with the principle that the TEF should be open to all providers, disciplines, levels and modes of delivery, the diversity of provision across the sector will make it difficult to define a framework (including sets of metrics) that can be applied consistently.

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?

The University of York shares the government's commitment to increasing access to students from disadvantaged backgrounds and has a good record of widening participation. However, we do not support a connection between achievement in widening participation and the TEF. To be effective, and to avoid a dilution of its purpose and concept, the TEF should focus on teaching quality alone, not on broader policy issues in Higher Education that are unrelated to teaching quality.

We are concerned that the government's switch from means-tested maintenance grants to loans, and the cuts to HEFCE's student opportunity fund, run counter to the Green Paper's proclaimed commitment to supporting access to HE for disadvantaged groups.

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.

The sector has experienced considerable workload over recent years as a consequence of the extensive consultations on the future of quality review methodologies and the content of the national set of expectations (the Quality Code). Further instability could divert attention from core teaching activities, and be damaging to the international reputation of the UK system. Still, there is a welcome (implicit) acknowledgement that the existing overall framework remains valid, even if aspects of its implementation need further refinement. Therefore, we welcome the approach for Year 1 of TEF.

We are concerned about the implications of a tiered approach in future years. Not only will it be very difficult to provide robust and finely calibrated differentiation between three or four tiers, a tiered system brings the risk that provision that is not (yet) in the highest tier will be perceived as deficient or failing in some way. Dependent on the frequency distribution of TEF outcomes across the tiers, there is a consequential risk that a significant part of the HE sector in the UK will be seen as less than excellent, notwithstanding evidence that current provision is, overall, of excellent quality. This could cause reputational damage to the sector.

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

Timing?

Yes No Not sure

Assessment panels?

Yes No Not sure

and process?

Yes No Not sure

Please give reasons for your answer.

The proposed timing and process seem appropriate. Composition of assessment panels will be crucial for the effectiveness and integrity of the framework. Panels must have senior academic membership, with appropriate subject expertise and in-depth understanding of the specifics of provision in the assessed institution.

We also want to comment on the Grade Point Average proposals in the Green Paper. One of the motivations of adopting a GPA system is to increase transparency and comparability between institutions. If this is to be realised, it would be important to have both a national framework for GPA and consistent implementation of that framework across the sector. Any GPA framework should take into account how students' performance would appear in the context of international use of GPAs, so as to not disadvantage students in the international employment market.

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.

Where possible, the TEF should make use of information about the quality of teaching and learning from existing sources and processes, including external examining, QAA reviews, and reviews conducted (and accreditation awarded) by professional, statutory and regulatory bodies.

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.

Please see our answer to Question 5. It could be questioned whether three or four meaningful tiers can be created without considerable complexity and doubts about the reliability and validity of measures that can support such a nuanced framework.

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.

Although we welcome the ability to increase fees by inflation (to stop the real-term erosion of the home fee cap), the linkage of TEF success to increased fees is problematic. Assuming there are to be four levels within TEF, and only those institutions granted the highest level would be able to increase tuition fees at the rate of inflation, the financial benefit from a high TEF level would be comparatively small. Assuming that the top level being “significantly above expectations” means “significantly above average”, and that therefore few institutions will attain it, the benefits to others will be even lower. A better approach would be to decouple TEF from fees altogether, or to change the linkage. For example, the system could be that level 1 allows a fee increase, whereas higher levels do not permit a further fee increase but still bring reputational recognition and benefit.

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.

We commend the inclusion of “amount and quality of student study” in the TEF, which should primarily be about learning. We also commend the examples of criteria in Chapter 3 paragraph 7.

We strongly support the inclusion of a qualitative element in TEF assessment, because it allows each institution to explain how it designs student learning, and because it can provide essential context and qualification for information from metrics.

We agree broadly with the three focal points; they capture essential components of good provision. However, the first two (teaching quality and learning environment) are input components, and should be distinguished clearly from the output components (student outcomes and learning gain) that ultimately matter most to students and employers. The proposals helpfully recognise the challenge of using proxy measures for all these focal points, and we welcome the technical consultation that will follow. Given the challenge of providing adequate measures of the focal points, and the risks of adopting inappropriate measures, it is our view that this consultation should be allowed to adapt the broad parameters of TEF. Indeed, planning should be towards a flexible and easily adapted structure, open to further

modification as it becomes clearer how teaching excellence can be defined and measured.

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.

The Green Paper rightly stresses rigour in evaluating measures (it is, incidentally, surprising that it makes no mention of assessing the impact, benefits and costs of KIS, which is a sobering example at a small scale of the bureaucratic costs of the adoption of a sector-wide set of metrics). However, metrics of the kind proposed in the paper are imperfect proxies of the quality of education. There is, as yet, no nationally agreed or tested metric for learning gain, which is a key outcome dimension to be assessed in the TEF. Such a metric may, in fact, be very difficult to construct, without introducing standardised curricula and assessments (which would be unacceptable). Learning gain metrics would also have to take into account different qualifications of students on entry and differing standards of intellectual challenge.

The use of proxy metrics creates incentives to improve performance in those metrics, which might not correlate with, and may be contradictory to, real enhancements in teaching and learning. The proposed use of HMRC data on income after graduation as a metric for quality is particularly worrying. As well as the idea that quality could be measured through income being problematic, such a metric would be sensitive to local variation (for instance in access to employment markets); it would need to take into account differences between disciplines and thus institutions with different subject mixes; it risks dis-incentivising subjects with lower scores in these areas, including the teaching of subjects or programmes targeted at social and community good (which produce graduates who tend not to be well-paid); and runs counter to the imperative to increase social mobility (as social background influences employment prospects).

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 committed to widening access, but we do not agree with the linkage between access improvements and the TEF (see our answer to Question 4).

- 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.

Universities are constituted as autonomous organisations, with control over their admissions. Externally set admissions targets would undermine this important principle. We are strongly committed to increasing the number of students from disadvantaged backgrounds in the University, and we have a good record of achievement in doing so. However, universities are best placed to determine how they should prioritise their activities and investment in this area. Externally imposed targets could lead to short-term distortions in admissions (with potential risks to standards) and a lack of focus on activities and approaches that are most effective in the longer term. It is our view that the best outcomes in widening participation can be achieved if universities work in close partnership with schools, to raise aspiration and achievement at all levels.

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

We have no view on this.

Question 13:

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

We have no view on this.

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

We have no view on this.

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 university has no difficulty in accepting the use by alternative providers of model 1 (page 45, paragraph 8). We are concerned about models 2a and 2b. The paper suggests that to benefit from model 2b, providers will “need to demonstrate that their provision adds a minimum level of value to English higher education”. For level 2a, this requirement to demonstrate value does not even apply. To allow providers access to a model 2 outcome after, at most, demonstrating a “minimum level of value”, poses a serious risk to the established global reputation of the UK’s HE sector. If new providers are to be allowed model 2 entry they need to show an investment in, and a commitment to, the broader values of the higher education sector in terms of the delivery of transformational outcomes to all students, but also in terms of research, outreach and widening participation, and economic impact.

The excellent reputation of higher education in England is based on the capacity to deliver outstanding teaching and on globally renowned research excellence. The synergistic relationship between teaching and research in English universities is a consequence of many years of careful investment in staff and infrastructure. The introduction of new providers brings the risk of destabilisation of what is now, after many years of relatively underfunded research and high-cost subject teaching, a fragile structure. New providers will see merit in teaching a single subject or small group of subjects, particularly those that are low in cost (and therefore profitable, even at lower fee levels). Established universities, on the other hand, use low-cost subjects to cross-subsidise high-cost subjects. If the Government wishes to encourage competition between universities and new providers and maintain capacity for high-quality education (and research) in STEM, it will be important that it puts in place robust mechanisms for the protection of high-cost subjects.

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.

We accept that new providers will enter the market and that some of these will have sufficient financial backing, safeguards, skills and experience to justify the title of university. To protect the reputation of the sector, it is crucial that assurance of credentials is thorough and robust. We do not agree with the proposal that the student number criterion should no longer apply for the award of a University title.

Institutions with very small numbers of students will only be viable if they focus on low-cost subjects, which is not desirable (see our response to Question 14). In addition, there is a risk that there will be a proliferation of smaller universities, which would go against the drive for efficiency in the sector, in which scale of individual operations is a crucial factor.

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

We have no view on this.

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.

Whilst we accept the proposition to accelerate the pace of course designation and the proposed immediate actions to accommodate this, we are concerned that courses subject to the accelerated processes need to have a sufficient number of students from a variety of backgrounds to enable proper assessments of adequacy or provision to be undertaken.

The acceleration proposals alleviate the risk concerns by proposing the use of guarantees. However, it is not clear how the adequacy of these guarantees is to be established. With respect to the “removal of other barriers to entry”, we are broadly in agreement. With respect to the comments on student number controls, we note that the linkage of student number controls to the TEF is not well defined.

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.

The contingency requirements should be based on an assessment of risk, to ensure that resources in stable, low-risk institutions are not unnecessarily tied up and withheld from investment.

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.

We are concerned about the separation of responsibility for teaching and research funding into separate bodies. As we have argued, these functions are closely connected in universities. Separating their oversight brings the risk that it will become more difficult for institutions (and for the Government) to co-ordinate activities across teaching and research, to ensure that their synergy is maintained.

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

We have no view on this other than our response to Question 18a

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

Please see our answer to Question 18b.

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 believe that the teaching grant formula should be determined by OfS, not BIS, to avoid politicisation of the grant distribution.

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.

Although we welcome simplification and transparency, and the principle of having a single system is appropriate, the proposals lack detail. Paragraph 19 makes sweeping statements about current practice. It is important to recognise the volume of work undertaken by the sector in the last three years to review the quality regime and all elements of the Quality Code, whilst acknowledging that more can be done to improve the system.

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

We have no view on this.

Question 21:

a) Do you agree with the proposed duties and powers of the Office for Students?

Yes No Not sure

Please give reasons for your answer.

We welcome the duty to promote the interests of students, but we are concerned about the statement that places the interests of students in opposition to those of providers (p. 62, para. 3). Universities and students work best in partnership, and their interests are therefore aligned most of the time. It seems risky to devolve regulation of universities, which are complex, multi-faceted operations with many objectives and a complex mission, to an office with a narrow focus on the student interest. It might be better to call the new body the "Office for Students and Universities", and to allow it to retain responsibility for the distribution of QR funding.

We welcome the duty to respect institutional autonomy and academic freedom.

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

Yes No Not sure

Please give reasons for your answer.

There is insufficient detail to understand the financial burden that would be imposed on universities. Subscriptions should not only be based on student numbers, but also on institutional risk.

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.

We have nothing further to add.

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

We have no view on this.

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.

Reducing controls over statutory instruments and governing documents would be helpful, but we also recognise that Privy Council scrutiny can be useful. We would therefore prefer a light-touch approach rather than the complete abolition of the role of the Privy Council.

We strongly agree that universities should not be treated as public bodies. The Freedom of Information Act should not apply to universities, though it is right that universities should have detailed publication schedules and should abide by these in the interest of transparency.

Reducing complexity and bureaucracy in research funding (Part D)

Question 24: In light of the proposed changes to the institutional framework for higher education, and the forthcoming Nurse Review, what are your views on the future design of the institutional research landscape?

We welcome the proposal that the Haldane principle and the dual-support funding system should be maintained – these are two pillars of the UK’s outstanding achievement in research, and their protection is essential for future success. We broadly welcome the recommendations from the Nurse Review. The proposal for a single overarching body (RUK) for the Research Councils without a total merger is promising, particularly because it offers opportunities for strategic engagement across the Research Councils and for efficiency savings without sacrificing the Research Councils’ specialist expertise. The proposed closeness to government and BIS (through the new Ministerial Committee) is potentially a cause for concern, if it undermines the Haldane principle; suitable safeguards to preserve the independence from Government of funding decisions will have to be put in place.

The Green Paper is not explicit as to whether the research roles now undertaken by HEFCE will be retained within the new RUK structure (e.g., the design and implementation of REF, distribution of HEIF, research student funding, Catapult funding). Greater clarity on these issues would be welcome.

Question 25:

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

If a single body (i.e. RUK) is to become the effective custodian of QR funding, it is essential to ensure that allocations to the Research Councils and to QR are completely transparent, and that the independence of the two funding streams is maintained. We would like to see this funding duality enshrined in legislation.

There must also be transparency as to how strategic decisions relating to QR are made and kept separate from grant funding decisions. Examples are: how the algorithm for allocating QR is decided, the cut-off point for funding (currently set at 3* & 4* only for funding in England), the quanta available for each Unit of Assessment. These are all strategic decisions that could be aligned more strongly with Research Council strategic areas.

As proposed, RUK would be a transnational body covering England, Wales, Scotland and Northern Ireland but with responsibility for allocating English QR funding only. This would require RUK to have a specific and more nuanced understanding of the issues relating to English HEIs, a situation that might cause significant tensions.

It is important to note that RUK only funds a third of research grants in the UK as a whole and is skewed towards specific areas. For example, much medical and health related research is funded outside of RUK.

- 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

We have nothing further to add.

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) While institutions can and do assess the quality of the research output of staff, the REF provides an independent external view on the performance of research units. It also provides clear standards for research activity, within the concepts of originality, rigour and significance. The ability to benchmark performance via REF is helpful and provides a kite mark for research excellence that is used internationally. This unique element of the REF process is a compelling advantage for UK research. If REF did not exist, the institution would still need to undertake analysis of its research performance; REF provides a valuable framework by which to look at the different dimensions of research, namely environment, outputs and impact. REF performance also informs students, especially international students, of the research excellence of the institution, thereby aiding recruitment.

The case for the benefit of QR has already been made elsewhere; it provides a relatively stable funding stream to support and equip basic research. REF generates the robust metrics by which QR can be distributed in a relatively transparent and fair way.

Although not perfect, the REF does allow the personal circumstances of staff to be taken into account in assessing their professional performance and it does have mechanisms in place to encourage interdisciplinary and non-standard research to be judged equitably. This is important for applied research in particular.

b) For the wider sector, REF provides confidence, especially to industrial and other external partners, of the research performance of the institution and identifies areas of research excellence that might otherwise be hidden. The robust evidence base of the REF process provides a high level of confidence to the sector. REF also provides significant evidence of research excellence and Impact, which would not have been made explicit without it. It is also helpful for students, especially international students, who use REF as a marker of quality

The benefits to the institution and the wider sector of transparency and confidence in the REF process are critical in terms of research performance and reputation. It is unlikely that metrics on their own would achieve a similar outcome.

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

We do not see an acceptable alternative to peer review as the basis for REF judgments. Metrics can play an important role, but in most subjects they cannot replace the judgments of leading experts. We would therefore not like to see the peer review system replaced by a less burdensome, but less valid system. Some of the burden of REF could be reduced if there was more certainty in the process. For instance, institutions have to make decisions about which researchers, outputs and case studies will be returned to REF, without having a clear understanding of where

the grade boundaries will lie or how funding will be allocated across the grades. As a consequence, much effort is devoted to optimising REF returns under uncertain reward conditions. If the rules were such that institutions had less choice, or if the funding formula was better specified in advance, the optimisation process would be simpler and considerable institutional effort would be saved.

HEFCE has already undertaken work on ways to reduce the burden of REF. Options include removing staff selection, using HESA data in relation to staff employment and reducing the complexity in processes concerning staff with personal circumstances. Some of the costs were generated by the introduction of Impact Case studies and these costs will reduce as institutions become more experienced in writing such case studies. Other costs relate to additional burdens that are generated by REF, such as Open Access requirements and data management. In addition, the increasing use of CRIS systems is reducing the burden of output collection within institutions and the aim of interoperability across systems should be strongly encouraged.

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

There are many opportunities to improve the data infrastructure, as has been the case with student data. The use of HESA data within REF was recognised as a positive and cost effective move. The use of HESA data should be encouraged especially within the Research Councils.

There should be a recognition that the software used for the REF submission was fit for purpose and that the interoperability with CRIS systems was welcomed. The administrative burden was significantly reduced and this approach should be encouraged - in contrast to that used in the RCUK ResearchFish system.

Both HESA and HEFCE have efficient systems for uploading data that allow the effective exchange of electronic records. The Research Councils could learn much from this work, especially in relation to JeS which is in need of attention and improvement.

If metrics are used in the next REF, these should be drawn from HESA data, rather than from a new return.

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

We have nothing further to add.

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