

# Quality doesn't grow on fees

## **NUS' response to HE Green Paper**

NUS is a confederation of 600 students' unions, and is the national representative voice of 7 million students.

NUS is the only representative voice of students in the UK and is an active part of the higher education sector. Our members are students' unions in universities and colleges across England, Wales, Scotland and Northern Ireland. Throughout the development and consultation of the Green Paper NUS has worked hard to engage as widely as possible with sector bodies, higher education providers, Government, and most importantly, students.

This response is the synthesis of all our engagement work with students' unions and we hope will provide useful evidence for the development of the Government's plans for higher education.

### **Summary**

#### **Question 1.a:** Page 6

NUS has a number of concerns regarding the equality impact of the proposals. We believe several protected groups will be negatively affected due to the type of institutions they are disproportionately represented in and/or their ability to exercise 'choice' within the HE sector because of their financial and personal circumstances.

#### **Question 1.b:** Page 9

We are very concerned about the omission of impact assessment in relation to gender reassignment, pregnancy and maternity, sexual orientation and religion or belief. In addition, the omission of any discussion about the needs and impacts of the proposals for mature and part time learners is very concerning to NUS.

#### **Question 2:** Page 10

NUS believes that the TEF is more likely to distort rather than inform student and employer decision making. The link to tuition fees and use of graduate employment outcomes will create the most distortion and misrepresentation of quality.

#### **Question 3:** Page 11

While we are not convinced that a TEF will be an adequate measure of teaching quality. We believe that all institutions should be incentivised to provide excellent provision to students, and those that do not should be supported to improve.



**Question 4:** Page 12

NUS believes that access agreements have been an essential tool for improving access and success in higher education. We believe that an approved access agreement should be a requirement for entry to the sector – including for access to student loan funding, gaining degree awarding powers, University Title and entry to the TEF.

**Question 5.a:** Page 13

The QAA Higher Education Review provides a rigorous assessment of HE providers quality assurance processes and is an important mechanism for the reputation of our sector. However, as not all providers have undertaken the new HER, we believe that any TEF 1 awards should be delayed until a successful HER has been awarded.

**Question 5.b:** Page 13

NUS strongly opposes the introduction of incentives for alternative providers. We are not convinced that the Government's light-touch approach to regulation and the low bar for entry will ensure students are protected from poor quality experiences that are currently rife in the private higher education market.

**Question 5.c:** Page 14

NUS believes that the Government are rushing far too quickly into the implementation of TEF and are not giving any time for the sector to properly develop in response to their major changes.

**Question 6:** Page 14

We are not confident that the proposals for a Teaching Excellence Framework provide an adequate or accurate basis for making decisions about teaching quality in institutions.

**Question 7:** Page 15

Government must allow time for institutions to plan and develop effective ways of managing large-scale policy change like the TEF.

**Question 8:** Page 15

NUS believes that any system of developing teaching excellence should aim to ensure and to drive excellence at every institution, in order to deliver the best possible experience for students and to maintain the world-class reputation of the sector. We do not agree that the proposed approach to differentiation and award will ensure either of the above aims.

**Question 9:** Page 17

NUS believes that linking fees to the TEF as an incentive is completely flawed. There is absolutely no clear relationship between the tuition fee and the quality of a degree and attempting to produce one is highly misleading. We believe it will completely undermine any potential to create an objective and meaningful way of measuring teaching quality.

**Question 10:** Page 22

Broadly, we agree with the four categories of focus for developing excellent learning. However, we do not believe that the current approach of creating a teaching excellence framework is the best way of supporting development in these areas.

**Question 11:** Page 29

NUS does not believe that the use of common metrics from national databases provides an adequate picture of teaching quality and may, conversely, produce an inaccurate and misleading picture.

**Question 12.a:** Page 30

NUS welcomes the Government's focus on widening participation and believes that any work must include well tested and nuanced measures to ensure that providers are properly focusing in these areas, and not able to "game" the system.

**Question 12.b:** Page 31

NUS has consulted with the Office for Fair Access and is supportive of their assessment that additional target setting powers would not be the most effective method for improving access at individual providers. We do agree with Government that there should be more powers for the Director for Access to draw upon.

**Question 12.c:** Page 31

NUS would like to welcome the plans to introduce Sharia-compliant loans and the plans for apprenticeships. We would like to highlight the importance of focusing on part-time and mature students in social mobility work.

**Question 13.a:** Page 32

NUS does not support any proposals that may require a sector body to share student data without a students' explicit consent. It is unclear to NUS what, if any, additional benefit will be derived from sharing additional data, beyond that which is already made, or already planned to be made available. Therefore, we feel any additional powers for Government in this regard are unnecessary and redundant.

**Question 14:** Page 33

We believe that all higher education providers should require an access agreement in place before they are entitled to public funds through the student loan system.

**Question 15.a:** Page 33

NUS are strongly opposed to plans to make it quicker and easier for new providers to enter the market and access public funds. We do not believe the proposals for entry are high enough to ensure quality and sustainability. The proposals put both students and the sector's world class reputation at risk.

**Question 15.b:** Page 35

NUS feels that, whilst clearer and more effective scrutiny of validation arrangements should be welcomed, the benefits of validation relationships between public HEIs and providers without degree awarding powers is hugely beneficial to alternative providers. We reject the Government's suggestion that such a relationship is exploitative on alternative providers.

**Question 17:** Page 37

NUS strongly supports the introduction of requirements for all higher education providers to have robust contingency arrangements in place. It is vital that these arrangements are agreed and in place upon entry to the sector; that these arrangements are regularly reviewed and amended in partnership with the student body, and that the arrangements cover all eventualities of provider failure – from whole-scale institutional failure, to course closure, to loss of Tier 4 license.

**Question 18.a:** Page 38

NUS is broadly supportive of the plans to merge HEFCE and OFFA into a new body called the Office for Students. Our support, however, is contingent upon assurances that the body will indeed best represent the interests of students, ensure that students are fully involved in defining what those interests are and also provide crucial support services to institutions.

**Question 18.b:** Page 38

Yes, Fully.

**Question 18.c:** Page 39

We believe that it may well be necessary and, most likely, desirable for the OfS to contract out functions for quality assurance and enhancement to separate bodies, particularly as such bodies already exist and perform a valuable function in the maintenance and development of the higher education system.

**Question 18.d:** Page 39

Decisions about funding allocation should be led by the OfS, with only highest level direction from Government. We strongly oppose more centralised Government control of teaching funding.

**Question 19:** Page 40

NUS is opposed to light-touch regulation, particularly in relation to alternative providers and the low threshold for entry, and have set out our concerns on this matter in our answers to questions 14 and 15.

**Question 20:** Page 41

NUS welcomes the recognition of the important role students' unions play in representing students' interests and the importance of the work that we have done with Government.

Students' unions are committed to being transparent and accountable and respond willingly to the provisions of Charity Law and the 1994 Higher Education Act. NUS is committed to helping support them in this endeavour.

There is significant potential to continue to develop as a strong self-regulated students' union movement with robust, consistent and comparable published data about what students' think of them; with a quality framework that is externally validated and has widespread adoption; and that has unprecedented levels of student involvement underpinned by consistent and robust sharing of data.

**Question 21.a:** Page 49

We believe that the OfS requires sufficient autonomy from political tinkering to be able to function effectively and work in the student interest. Essential to achieving this, is ensuring that student representatives are fully involved in the governance and oversight of the OfS.

We would like to see the OfS continue to provide research and support to the sector, and we wish for the DfA to have more powers to tackle widening participation at both undergraduate and postgraduate level.

**Question 21.b:** Page 49

Increasing the financial burdens on institutions via the administration of the OfS and TEF, only places greater pressure on them to raise fees even higher and increase the overall cost of education to the individual student, a cost that is already the highest in the world.

**Question 22.a:** Page 50

We do not agree with the proposals for the Secretary of State to have control over the setting of fee caps.

**Question 23:** Page 50

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.

**Question 25.a:** Page 51

NUS believes that any changes to research funding must ensure that postgraduate research remains a core priority and that students are adequately and fairly funded.

## Equality Impact Assessment

### Question 1.a

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

NUS has a number of concerns regarding the equality impact of the proposals. We believe several protected groups will be negatively affected due to the type of institutions they are disproportionately represented in and/or their ability to exercise 'choice' within the HE sector because of their financial and personal circumstances.

### Linking TEF to fees

1. As we will state throughout this consultation, we are concerned the proposal to allow institutions to push fee caps above the current ceiling of £9,000 depending on how well they perform in the TEF, 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<sup>1</sup>.
2. 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<sup>2</sup>. 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.<sup>3</sup> 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 debt<sup>4</sup>. In general, students who live in the parental home are more likely to be from poorer backgrounds<sup>5</sup>. 78% of students who live at home cite financial considerations as a key factor in their decision<sup>6</sup>.
3. 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.
4. We are already seriously concerned that the removal of maintenance grants and cuts to the Disabled Students Allowance will inevitably impact on students from lower socio-economic backgrounds, including large numbers of BME students and

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

<sup>2</sup> Ibid (2005);

<sup>3</sup> 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

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

<sup>5</sup> BIS (2014) *Learning from Futuretrack: studying and living at home*

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

mature students within this group. Further increases in fees as a result of the TEF will only exacerbate barriers to higher education and mean it is more likely that these student groups will opt for cheaper courses, regardless of quality in order to reduce their debt.

5. Our concerns outlined here and others highlighted throughout this consultation, strongly suggest that fees must be de-coupled from the TEF in order to ensure equality of access.
6. No student should be prevented from participating in higher education or from accessing an excellent learning experience as a result of concerns around cost.

### **Linking TEF to employment metrics**

1. We oppose proposals to link TEF to employment metrics and most particularly graduate salary information. We believe this will have serious equality implications when pay gaps already exist for women, BME and disabled people<sup>7</sup>.
2. Specifically, we are concerned that this proposal is not only a poor reflection of teaching excellence but will mean institutions are more likely to recruit applicants who are statistically more likely to have better employment prospects and graduate salaries.
3. We understand that the intention is to ensure appropriate benchmarking is undertaken, to mitigate against these risks, but we feel that due to the high number of variants that would need to be included, there is a strong risk that this data will become meaningless or highly complex to interpret properly – adding another barrier to fair access to information for disadvantaged student groups.
4. We strongly believe employment metrics must be removed from the TEF to ensure that women, BME and disabled people are not unfairly penalised in accessing higher education.

### **Provider exit and student protection**

1. The Government acknowledges that students with protected characteristics are currently more likely to study at institutions at risk of failure<sup>8</sup>. We do not have information on which protected groups are more likely to be affected and we would urge the Government to provide further data to allow for a full evaluation of the impact this will have on different protected characteristic groups.
2. While we support the enhanced student protection proposed by the Government for students affected by institutional failure, we do not accept that this fully resolves or mitigates the impact institutional failure will have on certain protected characteristic groups.
3. In particular, there are no guarantees that a student would be able to transfer to a new institution in a similar area. We are concerned that this will impact on student groups who are less mobile and able to travel to a different institution to continue their study.

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<sup>7</sup>HESA; [ONS 'Earnings by Gender:'](#) Malcom Brynin, 2012 'Understanding the ethnic pay gap in Britain' *Work, employment and society*, 26 (4):574-587; EHRC (2009) [Pay gaps across the equality strands: a review](#)

<sup>8</sup> Fulfilling our Potential: Teaching excellence, social mobility and student choice: Pp88



4. As stated above, research shows that BME students are more likely to study from home largely as a result of financial constraints. There are also a number of other types of student who would find it difficult to move away to a different location, such as:
- **Students with caring responsibilities, predominately women and mature students.** NUS' research found that student carers will find it more difficult to re-locate not only because of their caring responsibilities but because the majority are combining paid work, caring and studying.<sup>9</sup>
  - **Students with disabilities, especially students with long term health conditions** who are more likely to have to study locally in order to access healthcare. They may also prefer to be close to their family in order to receive additional support. Changes to DSA may result in more disabled students choosing to study locally as they can guarantee a good level of support from family and friends.
  - **Mature students.** NUS' report shows that one of the most important factors determining mature students' choice of university was the location of the university or college in terms of proximity to where they were living and the availability of flexible study options. They were shown to balance a clear focus on course content and educational concerns with pragmatic considerations dictated by personal circumstances and geography<sup>10</sup>.
  - **Students from low-socio economic backgrounds.** Students from poorer backgrounds are more likely to want to study locally and live at home in order to reduce costs of higher education.
5. We believe that creating a system that is comfortable with the concept of institutional failure as central aspect to the sector's quality enhancement will lead to considerable adverse impacts on equality in higher education. We do not support proposals which seek to encourage institutional failure or systems which do not look to prevent - as much as possible - failures from occurring. In particular, we are concerned about the acute impacts provider exits will have on the above student groups, who are less able to move to a different institution. This in turn may mean they are more vulnerable to dropping out or discontinuing their study.
6. The detrimental equality impacts cannot be described by the Government as 'indirect and negligible' and additional measures must be put in place to support these student groups at particular risk.

### Sharia compliant loans

1. We welcome this as a positive benefit for students from Muslim backgrounds.

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<sup>9</sup> NUS (2013) '[Learning with care](#)'

<sup>10</sup> NUS 2012 '[Never too late to learn: mature students in higher education](#)'



### Question 1.b

Are there any equality impacts that we have not considered?

We are very concerned about the omission of impact assessment in relation to gender reassignment, pregnancy and maternity, sexual orientation and religion or belief. In addition, the omission of any discussion about the needs and impacts of the proposals for mature and part time learners is very concerning to NUS.

1. We are concerned that the Government has not adequately considered the impact these proposals will have on certain protected characteristic or disadvantaged groups. BME students remain particularly affected, as does any student who faces barriers to HE because of their socio-economic circumstances.
2. We are also aware that this consultation has not looked at any evidence relating to gender reassignment, pregnancy and maternity, sexual orientation and religion or belief. For LGBT students in particular, we recommend that Government takes into account the evidence outlined in the following reports: Education Beyond the Straight & Narrow<sup>11</sup> and Freshers to Finals<sup>12</sup>. These reports highlight the particular barriers LGBT students face in relation to drivers for choosing an institution, challenges relating to finances, and issues relating to graduate employment. We recommend evidence is gathered to see whether Green Paper proposals could have an impact.
3. We would like to the Government to outline how they will ensure the TEF will meet the needs of all, given students' backgrounds vary so much? We are concerned that the metrics used may end up creating a system that benefits certain groups above others. Other metrics, as we have highlighted, clearly risk producing perverse outcomes for certain protected characteristic groups.
4. It will be vital to draw on best practice around what accessible teaching and learning practices look like, including curriculum design and how this can be reflective of a diverse student body.

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<sup>11</sup> <http://www.nus.org.uk/Global/lgbt-research.pdf>

<sup>12</sup> <http://www.shu.ac.uk/assets/pdf/freshers-to-finals-end-report.pdf>

## Teaching Excellence, Quality and Social Mobility

### Question 2

How can information from the TEF be used to better inform student and employer decision making?

NUS believes that the TEF is more likely to distort rather than inform student and employer decision making. The link to tuition fees and use of graduate employment outcomes will create the most distortion and misrepresentation of quality.

1. Both students and employers require access to meaningful and objective information about courses and institutions, and they need to be able to distinguish between them in terms of expectations of quality and outcomes.
2. The TEF does not provide information in this format as it will not adequately or objectively measure teaching quality or outcomes, and instead provides misleading information by attempting to pass off flawed metrics as proxies of quality. This is made worse by attempting to link the sticker price of a degree to quality, which will lead to significant distortions and severe negative consequences for both students and institutions, as we explain in question 9.
3. NUS believes that a framework designed to measure teaching excellence will only better inform students if it adequately represents teaching quality and deals directly with the way students interact and engage with their learning environment.
4. The TEF also does not deal with the important individual relationship between the academic and the student, which is widely accepted by higher education professionals and the student movement, to be an essential driver for quality in higher education. As it stands, students will learn nothing from the TEF about how they engage with their learning and interact with academics and peers.
5. Measures of teaching quality work best for employers if they can highlight the knowledge and skills developed in an excellent learning environment, so that an employer can gauge the value that an individual's education might add to their organisation. Unfortunately, there is much evidence to suggest that many employers find it hard to know exactly what knowledge and skills are important, so instead they rely on the degree subject and classification and institutional reputation as crude proxies for labour value. The TEF, as currently designed, will do very little to change this.
6. However, alternative sources of information, like the Higher Education Achievement Report, may prove to be more effective at uncovering the actual and latent potential of a graduate. We would argue that attempts to educate employers about the value a degree adds to an individual student has more potential than the metric-driven market information that would form the bulk of the TEF. There is a danger that a TEF will simply reinforce the heuristic approach that employers

already use, rather than allow them to get a better understanding of what they need and what they would receive from a graduate.

7. The TEF can only better inform students if it actually measures teaching quality. It cannot do this if it is linked to tuition fee levels, nor will it achieve this through the use of quantitative metrics at an institutional level, especially if, like with NSS and employment data, they are extremely poor and misleading proxies for quality. For these reasons in particular, we have no confidence in the proposals for the TEF 1.
8. However, allowing more time for the development of more robust metrics could prove helpful in creating a workable system of measuring teaching quality in the future. This model of teaching quality would need to focus on allowing institutions some autonomy in generating a contextualised picture of quality at their institution, as it is clear that there is a great deal of complexity and difference in the models of excellence on offer in our higher education institutions. We tackle this issue in more detail in answer to question 10.

### 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?

While we are not convinced that a TEF will be an adequate measure of teaching quality. We believe that all institutions should be incentivised to provide excellent provision to students, and those that do not should be supported to improve.

1. As with much of the Government's thinking, there needs to be greater understanding of the need to enhance the quality of part-time and distance provision, something seldom mentioned in the Green Paper. The Government must take advice from experts, academics and from students as to how we measure and improve the quality of part-time provision which is often more difficult and costly to provide.
2. The same can be said of postgraduate provision, but we strongly urge Government against the use of quantitative metrics to assess the quality of postgraduate provision, which is far more specialised and where student numbers on courses are often not large enough to get statistically significant results from quantitative measures.
3. At postgraduate research level in particular, the criteria for excellence and the ability to measure them are highly complex, especially with the increase of students studying in doctoral training partnerships across more than one institution and with industrial partnerships. HEFCE are currently examining the criteria for measuring the quality of PGR provision in order to effectively allocate Research Degree Programme funding through Quality-related Research Funding. Linking research degree programme quality to overall research quality in the REF has been deemed inadequate.

4. We urge Government to allow this development of RDP quality measures to continue on its current trajectory, separate from both REF and TEF.

**Question 4.**

Where relevant, should an approved access agreement be a requirement to the TEF?

**Yes**

NUS believes that access agreements have been an essential tool for improving access and success in higher education. We believe that an approved access agreement should be a requirement for entry to the sector – including for access to student loan funding, gaining degree awarding powers, University Title and entry to the TEF.

1. NUS is strongly in support of the principle that higher education should be an opportunity for anyone who is willing and has the potential to succeed. NUS is one of the many organisations striving to uncover and reduce the existing structural barriers to accessing and succeeding in higher education.
2. Whilst access agreements were established to counter the risks of introducing variable fees in 2004, it is clear to NUS that higher education providers needed to act on this issue regardless of tuition fees. We are supportive of the Government's commitment to improving fair access and widening participation in higher education, and believe that these are key to a fair and equal society.
3. We believe that the best way to ensure that public funds are being used to the benefit of the taxpayer is to ensure that all providers wishing to receive funding - through the teaching grant or through access to student loans - should provide an access agreement, regardless of fee level. The shape and scope of these agreements would vary dependent on size, shape and provider mission, but would provide assurance to students, taxpayers and Government that public funds were not being used solely to support those already most advantaged in society.
4. For those not wishing to access public funds, gain degree awarding powers or University Title but wishing to enter the TEF, we believe that an approved access agreement would be an important entry criteria.
5. We believe that providing an approved statement of a provider's intended work on access is the most basic level of commitment to access, success and teaching excellence. For institutions to go beyond and excel in this area, they must look to innovate and to ensure that access and success is integrated into every aspect of their institution – including developing inclusive teaching and learning practices.
6. Requiring an access agreement from all providers wishing to access public funds, gain degree awarding powers, University Title or enter the TEF will also create a more level playing field between providers; provide equal information and assurances to the public, and potentially any prospective students who wished to see this.

7. This approach will also enable far better learning and sharing of practice across the sector. Currently, there is no simple way to capture some of the new and interesting innovations alternative providers are making in this space, many of which traditional providers may benefit in learning from.

**Question 5.a**

Do you agree with the proposals on what would constitute a 'successful' QA review?

**Yes**

The QAA Higher Education Review provides a rigorous assessment of HE providers quality assurance processes and is an important mechanism for the reputation of our sector. However, as not all providers have undertaken the new HER, we believe that any TEF 1 awards should be delayed until a successful HER has been awarded.

1. NUS believes that the quality assurance system for the UK should be should be robust and reflect the high standards of the sector. We have confidence in the Higher Education Review process and we have worked closely with QAA to ensure students are represented at every level.
2. As not all HE providers have undergone the new HER system, and will therefore not have the judgements described in the proposals, we are concerned that the playing field will not be even.
3. For the longer term, the frequency of HER review cycle is incredibly important. We are pleased that the funding councils and BIS are working closely to ensure that the Quality Assessment Review and the Green Paper proposals make a coherent system. However, NUS' broad support for the QAR proposals was heavily predicated upon the agreement across the sector that there should be high standards to entry.
4. Entry to the sector, and subsequent checks and balances should work in tandem with one another – if one is low, the other should be high. This is a crucial point for protecting students' interests and maintaining public and international confidence in the sector.

**Question 5.b**

The incentives that should be open to alternative providers for the first year of the TEF?

**No**

NUS strongly opposes the introduction of incentives for alternative providers. We are not convinced that the Government's light-touch approach to regulation and the low bar for entry will ensure students are protected from poor quality experiences that are currently rife in the private higher education market.

1. We elaborate on our concerns about alternative providers in questions 15 and 16.

**Question 5.c**

The proposal to move to differentiated levels of TEF from year two?

**No**

NUS believes that the Government are rushing far too quickly into the implementation of TEF and are not giving any time for the sector to properly develop in response to their major changes.

1. We are opposed to differentiation of TEF and provide a detailed response in question 8.
2. We question the Government's motives for the speed at which they wish to implement changes such as differentiation. If Government are really committed to ensuring teaching excellence and high quality provision for students, they ought to allow time for better, more accurate and contextualised metrics to be developed, and allow institutions time to work out effective ways of administering the new processes.
3. TEF-light will not provide an accurate picture of teaching excellence in the sector. It will be rewarding higher fees and better reputation on the basis of inaccurate and unreliable measures. This makes differentiation in year two all the more unhelpful and suggests that Government are rushing through these plans in order to impose higher fees and force greater competition on the sector, which we have evidence to show is harmful to quality and choice in higher education<sup>13</sup>.
4. TEF light should be scrapped and longer taken to implement a proper workable system of quality assurance in teaching and learning.

**Question 6**

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

b) Assessment Panels? **No**

c) Process? **No**

We are not confident that the proposals for a Teaching Excellence Framework provide an adequate or accurate basis for making decisions about teaching quality in institutions.

1. Any assessment framework for teaching quality should work on the basis of peer review, take a rounded and contextualised evaluation of excellence, and have strong student and academic representation.

<sup>13</sup> <http://www.nus.org.uk/Global/Roadmap%20for%20Free%20Education%20report.pdf>



2. There is widespread agreement that students need to play a deeper and more fundamental role in their learning environment and, in doing so, go beyond acting as a “consumer”, becoming, instead, an active partner and co-producer of learning environments. Their role in ensuring teaching quality is essential and has been proven to drive up standards where market forces have failed to do so.
3. Employers may have an interest in quality of degrees, but they are not equipped to make an informed or objective judgement on what is good teaching and what isn’t. We do not understand why employer representation is being considered for TEF assessments. There is certainly potential for professionals and experts from industry who are actively engaged in the teaching higher education to play a key role in peer review, but not business and industry representatives.

#### **Question 7**

How can we minimise any administrative burdens on institutions?

Government must allow time for institutions to plan and develop effective ways of managing large-scale policy change like the TEF.

1. NUS believes that the Government have thought anywhere near enough about the administrative burden on institutions. Institutions are best placed to work out what methods of implementation are best for a TEF, and should work closely with their staff and with their students’ union to ensure this. However, we would add that for such a process to work most effectively, institutions need to be given a reasonable amount of time to work on this.

#### **Question 8**

Do you agree with the proposed approach to differentiation and award as TEF develops over time?

**No**

NUS believes that any system of developing teaching excellence should aim to ensure and to drive excellence at every institution, in order to deliver the best possible experience for students and to maintain the world-class reputation of the sector. We do not agree that the proposed approach to differentiation and award will ensure either of the above aims.

1. The Green Paper suggests that the TEF is designed to show “clear and robust differentiation between and within institutions as it develops over time”. We have no confidence that such an aim is possible using the basket of metrics suggested by Government.
2. Differentiation will create a complex situation and NUS is greatly concerned that students and employers may not be able to fully understand what constitutes quality and what does not. This would be made especially problematic with the



linking of fees. This concern is supported by recent evidence from the Higher Education Policy Institute. Their research found that there is a disconnect between measures which students perceive to indicate quality (such as contact hours and employment outcomes) and measures which have been evidenced to do so (such as learning gained and student engagement).<sup>14</sup>

3. We are not convinced that the TEF will create market information and differentiation that allows either students or employers to make informed and accurate comparisons between courses and institutions.
4. There are two main reasons why we do not think that this will help students. The first relates to the lack of confidence we hold in the basket of metrics that are proposed; our concerns about the proposed metrics will follow in our response to subsequent questions.
5. The second relates to the way that prospective students make choices. It is not clear that students behave in a consistent way, in line with public choice theory. Differentiation may provide both too much complexity and too little contextualisation for students to make accurate choices. Different students will interpret TEF results in different ways, and may focus on the overall TEF outcome rather than spend time looking at the various measures that the decision was based on.
6. This situation is further compounded by the unequal access potential students have to professional independent guidance and advice about their options for further study. In 2013 the ONS reported 1.09 million young people were not in education, employment or training. The National Careers Council also highlighted the importance of “the 2 million young people who live in workless households to whom such experiences have especially high value and are often least likely to have the social networks and family networks required”<sup>15</sup>. A more complex information landscape, without a considerable national investment in careers advice and guidance, will only serve to further exacerbate these existing inequalities.
7. Government expect that institutions will compete to get to the highest possible level in the TEF; however, some institutions may see the effort not to be worth the reward.
8. We have no confidence that many alternative private providers will feel the need to take on a significant administrative and financial burden in order to compete above the first level of the TEF. Many are focused on mainly overseas students or non-traditional home students. The drivers for these students choosing an alternative provider are complex, and are often not predominantly based on teaching quality. For home students, mode of study, course specialism and proximity of the provider to their homes are often key drivers in choice. For overseas students, perceived reputation of the provider and what has been sold to them through provider marketing and in-country agents is key.

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<sup>14</sup> [http://www.hepi.ac.uk/wp-content/uploads/2016/01/STRICTLY-EMBARGOED-UNTIL-7-JANUARY-2016-FINAL-GREEN-PAPER-RESPONSE-21\\_12\\_15-Screen.pdf](http://www.hepi.ac.uk/wp-content/uploads/2016/01/STRICTLY-EMBARGOED-UNTIL-7-JANUARY-2016-FINAL-GREEN-PAPER-RESPONSE-21_12_15-Screen.pdf)

<sup>15</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/354644/bis-13-919-national-careers-council-report-an-aspirational-nation-creating-a-culture-change-in-careers-provision.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354644/bis-13-919-national-careers-council-report-an-aspirational-nation-creating-a-culture-change-in-careers-provision.pdf)

9. While some alternative providers set up with a primary aim of delivering high quality education (many of whom have been providing educational opportunities within the sector for decades, and some for much longer) may seek to use the TEF as a means of developing and maintaining their good reputation, there will be many other providers that will continue to undermine the reputation of the sector by cutting corners and focusing on profit margins, which rarely aligns with high quality teaching. To attempt to work towards a higher level of the TEF is likely to be seen by small and vulnerable private providers as either an unnecessary distraction, or simply impossible on the basis of a precarious financial model.
10. In addition, many College HE providers have articulated (particularly during the BIS consultation events) that they would not be motivated by many of the incentives included in the TEF – especially fees. They often feel they provide provision addressing local needs and demands, already focussing on a high quality learning experience. They often articulate that they already choose not to charge £9,000 fees, as this would price their core learners out of higher education.
11. We may also find that some research-intensive institutions pay little attention to the differentiation in the TEF, and rely on their long-standing reputation and national and international links to ensure they are not adversely affected. Research-intensives receive a smaller proportion of their funding from home tuition fees. Institutions like Oxford, Cambridge, UCL and Imperial receive less than 10% of their funding from home and EU tuition fees<sup>16</sup>. They are also far more selective and oversubscribed on undergraduate courses. They may evaluate the cost of focusing on the TEF to be more than any increase in revenue from higher fees or increased demand.

**Question 9.**

Do you agree with the proposed approach to incentives for the different types of provider?

**No**

NUS believes that linking fees to the TEF as an incentive is completely flawed. There is absolutely no clear relationship between the tuition fee and the quality of a degree and attempting to produce one is highly misleading. We believe it will completely undermine any potential to create an objective and meaningful way of measuring teaching quality.

Our response to this question is separated into several parts: 1) the reasons why quality and fees are not related; 2) the distortions and perverse incentives created by linking them; 3) the likely response of institutions to TEF incentives; 4) the limits of the TEF in creating a differential fee market.

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<sup>16</sup> According to 2013-14 HESA finance data

1. **The reasons why quality and fees are not related:** The tuition fee has never represented the quality of a course. In capped undergraduate markets, whether you study economics at London Metropolitan University or the London School of Economics, a home student will pay £9,000 a year for their BSc. The current fee simply represents a collective decision of the higher education sector to protect itself in the wake of drastic cuts to direct public funding of teaching. Institutions were forced to prioritise securing as much revenue as permitted in order to supplement the significant loss of teaching grant and generate surpluses capable of funding future expansion and protecting against future loss of income.
2. We know that the tuition fee does not reflect the quality of a degree, but it doesn't reflect the actual cost of provision either. Fees are used in low cost subjects to generate surpluses to cross-subsidise other areas or to generate capital for investment in infrastructure. Universities' capital expenditure on estates was greater than CrossRail in 2012/13<sup>17</sup>. It is also safe to assume that "quality" is more costly to produce in some subjects than it is in others. For instance, the cost of procuring the best academics in a particular field may vary according to the supply of academics in the labour market. If there are only a handful of top professors in economics, the market rate for their labour would be high.
3. Cost of provision also varies by institution. It is certainly feasible that one institution will be able to find more financially efficient means for providing a high quality course whilst another may have certain barriers to lowering cost that are difficult to remove, such as the size or specialist nature of the institution. All of this makes the link between quality and fee level all the more absurd. It also doesn't help to improve the issue of cost transparency for students.
4. Although there is wide variation in price in unregulated fee markets, this variation has little to do with actual measures of quality, and reflects different responses to financial and market pressures. Fee levels in uncapped markets, such as international and postgraduate, vary between courses and institutions for a wide range of reasons, few of which have anything to do with the quality of the course itself.
5. **Differentiation in postgraduate fees:** MBA courses tend to be very expensive. Fees can range from around £15,000 all the way up to almost £70,000. The price does not reflect the teaching quality of the course, but rather the expected high returns from employment upon graduation. MBAs are as much about the networks you create and the people you meet as the knowledge and skills you gain. A recent Supreme Court case in the United States highlighted the fact that MBA costs are not associated with teaching quality, when it ruled that a student was ineligible for funding through the Federal Trade Adjustment Assistance programme for a part-time "executive" MBA, which costs twice that of a full-time standard MBA<sup>18</sup>. The court ruled that the more expensive EMBA was not significantly different from the standard MBA. Universities justify the higher price for the EMBA in the US on the basis of the networks you build and the doors it opens rather than having anything to do with the quality of the teaching or the standard of the course itself.

<sup>17</sup> <http://www.aude.ac.uk/documents/aude-he-estates-statistics-report-2014/> p.6

<sup>18</sup> The Economist 'Expensive executive MBAs: A costly lesson', retrieved from <[http://www.economist.com/blogs/newsbook/2010/08/expensive\\_executive\\_mbas](http://www.economist.com/blogs/newsbook/2010/08/expensive_executive_mbas)>

6. Traditional taught masters programmes in UK universities have a large degree of variation in price, but this rarely reflects a variation in teaching quality. Variation in cost by subject often reflects cost of provision, not quality of course. For instance, 2014 PTES results show that history and philosophy masters courses have some of the highest scores for quality of teaching and learning, compared with engineering and technology courses, which have some of the lowest.<sup>19</sup> Despite this, engineering courses are, on average, over £2,000 more expensive.<sup>20</sup> This reflects higher costs associated with laboratory-based subjects. There is similar differentiation in international student fees at undergraduate education between library and lab based subjects which has nothing to do with the quality of the course.
7. Feedback from discussions and negotiations with institutions and their governing bodies over postgraduate fee increases reveals that the decisions to raise fees have tended to be on the grounds of cost of provision or wanting to maintain a particular image on par with what the institution sees as its main competitors.
8. **Differentiation in international student fees:** International student fees are higher than home student fees partly because there is no teaching grant for overseas students to help subsidise cost of provision. However, as the teaching grant has been severely cut and subsidy only remains for high-cost subjects, the differentiation in fees appears to be down to what an institution thinks that the market can bear.
9. There is no correlation between teaching satisfaction scores in the NSS and international student fee levels. Whilst we know that NSS scores are not an assessment of teaching quality, it is a broad indication of students' perceptions of their teaching experience. In fact, some institutions with high scores for teaching in NSS, such as Coventry, Chichester and Keele, have lower than average international fees, whereas some lower scoring institutions, such as LSE and UCL, have much higher international fees. These differences appear to reflect institutional trade-offs over international reputation, price competition, and selectivity in recruitment.

### Distortions and Perverse Incentives

1. Linking fees to the TEF could adversely affect market behaviour by providing misleading information to prospective students. It is important to consider in this discussion the pernicious growth of education as a "Veblen Good". Veblen Goods are commodities where the demand is proportional to the price, thus contradicting the standard economic laws of demand and price competition.
2. Currently, institutions are reacting to a misconception by students (and indeed employers) that a higher fee represents a higher quality of degree. The market forces are pressurising institutions to mislead students by creating a myth that a high price for a degree means the degree is of higher quality. Institutions, rather than competing downward on price, are competing upward. They are using marketing and branding to link high fees to a more prestigious and elite student

<sup>19</sup> Soilemetzidis, I.; Bennett, P. & Leman, J. (2014) *The Postgraduate Taught Experience Survey 2014 Report*, available at <<https://www.heacademy.ac.uk/resource/postgraduate-taught-experience-survey-ptes-2014>>

<sup>20</sup> Times Higher Education, '2015 International and Postgraduate Fees Survey', available at <<https://www.timeshighereducation.com/features/international-and-postgraduate-fee-survey-2015>>

experience with better quality of provision and stronger graduate prospects - regardless of the actual evidence for this.

3. Taking an example from the United States, Bowman and Bastedo (2009)<sup>21</sup> analysed the effect of fee increases on demand between 1998 and 2005. They found that, particularly for liberal arts colleges, raising the price of tuition improved demand for institutions in the lower half of the top 50. It also increased the average SAT score of applicants, suggesting that it not only attracted more students, but higher attaining students.
4. This approach has been applied by universities in a similar position in England, particularly those “squeezed middle” institutions that are research intensive but struggle to compete with the most selective institutions. Institutions use higher fees to mimic the prestige of other institutions with more longstanding reputations. We are seeing this most commonly at a postgraduate level and in international markets where fees are uncapped.
5. The acceptance that higher education is a “Veblen Good” is already fairly commonplace in the UK and elsewhere where there are high fees. It seems reasonable to assume that linking fee increases to a TEF stamp of approval will have a similar effect. It is made particularly worse by the fact that the TEF is unlikely to accurately reflect degree quality.
6. However, for us the most important factor is that an institution will be placed in a position where a decision not to raise fees – which could be for any number of legitimate reasons, not related to teaching quality - could lead to a situation 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.
7. What has been suggested is a market mechanism which actively encourages fee inflation by institutionalising the myth that fees are proportional to degree quality.

### **The response of institutions to the incentives**

1. It is unclear how different institutions will respond to the incentive of fee increases. However, we believe that the Government have vastly overestimated the attraction of fee rises. This belief is further supported by the recent oral evidence session to the BIS select committee, where representative leaders from UUK, GuildHE and AoC all unanimously agreed in the opposition to linking TEF to fees.
2. Considering the relatively small increase in tuition fees being offered to the sector, it is unlikely to provide any clear differentiation in fee levels for a considerable number of years. At the same time, the increase in revenue from an inflationary rise in tuition fees would be of secondary importance to the influence of the TEF on student demand. If an institution loses even just a handful of students to another

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<sup>21</sup> Bowman, N. and Bastedo, M. (2009) ‘Getting on the Front Page: Organizational Reputation, Status Signals, and the Impact of U.S. News and World Report on Student Decisions’, *Research in Higher Education*, available from <http://www-personal.umich.edu/~bastedo/papers/BowmanBastedo.ResHE2009.pdf>



institution as a result of its performance in the TEF, the revenue loss could be considerably more than what an inflationary fee increase would generate.

3. For example, take a fairly large institution with around 10,000 full time home/EU undergraduates. Take the 2015 year high of 1.1% RPI; this would provide a maximum fee increase of £99 per student, and a cash terms revenue increase of £990,000. It's hard to say the net increase for an institution, but if the TEF truly wants to create drive enhancement, and therefore creates a top level criterion that takes work to achieve, the cost of improvement to get on the top rung of the TEF would probably be far higher than the increase in fee revenue for many institutions.
4. Alternatively, an institution could focus its attention on marketing and attract more students. This has far more potential. In the example above, an institution need only recruit a further 110 students in order to generate the same revenue increase. This may well be an easier option and one which is cheaper for an institution to achieve.
5. We believe that institutional reputation would be a far more important, and a sufficient, driver for providers to improve their quality, if the right measures were in place to accurately assess learning quality. Reputation will affect student recruitment which has a larger potential to impact on an institution's finances than a fee cap. There is considerable evidence of institutions responding to reputational risk and changing practice as a result. We know that institutions respond to the publication of complaints statistics and often change practice to avoid bad publicity.
6. We also know that the publication QAA Higher Education Reviews has often led to changes at an institution in order to avoid bad reviews, or to use a good review as a marketing tool to improve their reputation. Anecdotally, students' unions report never being more effective in getting changes made for students than in the year before a QAA review. Institutions are not willing to risk the reputational damage of being seen to not listen to the student voice.
7. There certainly appears to be very little incentive here for private providers to improve their teaching quality. As explained in response to question 8, the margins are too low and the costs too high for most for-profits to consider competing on teaching quality. They are more likely to focus on recruiting larger numbers of overseas students or to focus on recruiting local students from WP backgrounds, who's decisions, as we have discussed, are more greatly driven by cost and location than traditional students.

### **Limitations of TEF in producing a differential fees market**

1. The Green Paper outlines the Government's intention to create differentiation in fee levels, and also to create a sector that works in students' interests. However, we see no benefits of a differential fee market for students. It is clear that students will either have to pay the same price that they do now, even for a degree considered of lower quality in the TEF, or they will have to pay a higher fee for a degree considered high quality in the TEF.

2. Government has made arguments for TEF and fee differentiation on the basis that many students did not consider their degree good value for money. England already has the most expensive degrees in the world according to the OECD<sup>22</sup>. Maintaining high fees for all courses and raising them at institutions that do well in the TEF is not an adequate response to this. Students already pay far too much for their degree, regardless of its quality.
3. It is also not fair, not transparent and not in students' interests to create a system which allows fees to rise on all courses at an institution, when the quality of the course is being linked to the cost of the degree. Allowing fees to rise across a whole institution does not reflect any difference in quality between disciplines and departments at that institution. If institutions are allowed to raise all tuition fees as a result of an aggregate measure of teaching quality in the TEF, it reduces the incentives on institutions to ensure that quality is high across the board, and this may allow poor performing departments to continue along without improvement. It also creates an unfair situation for students, as they may be paying a higher fee for a course that is deemed of lower quality just because the institution as a whole was deemed good in the TEF.
4. Inflation is variable, which means fee increases are variable. This means that the variation in fees is mainly down to the state of the economy, not the quality of teaching.
5. For example, imagine that University X did well in the TEF in Year 1 and was allowed to raise their fees. They do so with inflation for the next five years; the inflation rate is steady over this period at 3%. Their fee, which was £9,000 in Y0, would change to £10,433, in Y5. University Y was a new provider in Y0 and was still developing, so it did not break through in the TEF straight away, but over the course of five years had improved dramatically and was now considered to have some of the best teaching of any alternative provider. It is allowed to raise the cap on fees in Year 6, but in Y6 the inflation rate drops to just 0.5%. University Y's fees would be £9,045 in Y6, while University X's fees would be £10,485. The difference in fees for Universities X and Y are not really representative of the difference in quality. The information it is providing to students is misleading, does not create a level playing field and may ultimately lead to unfair advantages for certain institutions.

#### **Question 10.**

Do you agree with the focus on teaching quality, learning environment, student outcomes and learning gain?

#### **Yes**

Broadly, we agree with the four categories of focus for developing excellent learning. However, we do not believe that the current approach of creating a teaching excellence framework is the best way of supporting development in these areas.

<sup>22</sup> <http://www.oecd.org/education/education-at-a-glance-19991487.htm>



1. NUS welcomes a dedication from Government to work to support the development of excellent teaching, but we also have some significant reservations about the underlying approach being proposed.
2. NUS has been working with the sector on developing and supporting excellence teaching and learning for years – most recently through a funded project from HEFCE to develop a series of benchmarking & enhancement tools: the Comprehensive Guide to Learning & Teaching<sup>23</sup>
3. From this project, and many others, such as our work on Student Led Teaching Awards, we have developed a core understanding of what we think excellent teaching and learning looks like:
  - Excellent teaching happens at disciplinary level, but institutions are responsible for creating an environment in which it can thrive.
  - Excellent teaching is inclusive enables **all** students to learn and be successful.
  - Excellent teaching is a narrow frame, what students care about is excellent learning – which includes teaching, independent study, assessment and a physical and intellectual environment that stimulates this.
  - Excellent teaching is enabled and supported to take risks and to innovate
  - Excellent teaching happens in a team – drawing on knowledge and expertise of a wide range of people, including students.
4. For NUS, a system which sets to pit universities against one another in competition; creates a differential fee structure and plans to use data which are not measures of teaching quality – such as the plans to use employment metrics - cannot achieve these aims, and we are greatly concerned.
5. The measures proposed in the Green Paper have little potential in providing an accurate picture of the state of teaching and learning in higher education institutions.
6. The proposals are asking the TEF to measure many things that have at best, a distant relationship to with teaching excellence, and some of which may be contrary to each other. In particular, we would like to highlight the use of graduate employment metrics as being particularly problematic, but also the use of data from the National Student Survey.
7. We will go through each of the three sections in turn, stating our interpretation of the type of metrics offered.

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<sup>23</sup> <http://www.nusconnect.org.uk/resources/comprehensive-guide-to-learning-and-teaching>

## Teaching Quality

1. NUS believes it is very important not only for students to get information about the quality of teaching, but also for them to have an active say in what excellent teaching is and what it might look like in varying contexts. It is for precisely this reason that we are concerned about the metrics proposed by Government, as they do not offer students a real insight into teaching quality.
2. What is perhaps most concerning is that the metrics being proposed for initial use are ones that the Green Paper itself outlines 'are largely proxies rather than direct measures of quality and learning gain and there are issues around how robust they are' (p. 34, para. 15). While we welcome a review by the Office of National Statistics on the robustness of data sources, the ONS have no expertise in understanding what makes excellent teaching and, therefore, can only judge the statistical health of a metric and not its ability to act as a valid measure of teaching quality.
3. The Government is not very clear as to how it intends on using data from the National Student Survey (NSS) and which questions on teaching and learning would be included. The NSS is a particularly controversial tool, which was designed to provide a snapshot overall picture of student satisfaction at an institution and to provide basic market information to prospective students. Over the past ten years of its development it has become ever clearer that the greatest value of the NSS is how institutions use the data to further their enhancement work.
4. However, despite the potential for NSS to be used as a tool for enhancement, there is little evidence to link the results of NSS to teaching quality. In subjects like medicine, where the quality of a programme must be, in part, measured by the graduate's competence in performing clinical tasks in their field, studies have found there to be no correlation between student satisfaction scores and the performance and attainment of medical graduates. According to research by Prof. Tim Lancaster, Director of Clinical Studies at the University of Oxford, 'the NSS appears to have little or no value as a quality metric for the Teaching Excellence Framework in medicine'.<sup>24</sup>
5. The NSS is a market mechanism which has been open to abuse by institutions to improve their position in league tables without actually focusing on improvements on the ground. This is often achieved by "gaming" - manipulating student responses through incentives and/or threats, or by cherry-picking students who are thought to provide more positive responses.
6. A study by the Centre for Public Policy at Kings College London found that a common tactic used by institutions is delaying the release of coursework and module marks to avoid upsetting undergraduates.<sup>25</sup> Institutions have gone as far as to give students free cocktails and massages right before asking them to fill in

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<sup>24</sup> Lancaster, T. & Fanshaw, T. (2015) 'Assessing the quality of UK medical schools: what is the validity of student satisfaction ratings as an outcome measure?'

<sup>25</sup> Sabri, D. (2013) 'Student Evaluations of Teaching as 'Fact-Totems': The Case of the UK National Student Survey', *Sociological Research Online*, available from <http://www.socresonline.org.uk/18/4/15.html>

the NSS.<sup>26</sup> Feedback from students to NUS and their students' unions at many institutions has shown widespread use of "threats" by institutions, who have suggested that poor feedback will lower an institution's prestige and therefore directly affect the student's job prospects.

7. The NSS is ripe for abuse because it gets 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 concentrate on things which occur in a short window at the end of a degree. Moreover, Sabri found that institutions were incentivised to channel resource into the end of the third year in order to avoid negative responses in NSS.<sup>27</sup> This is likely to skew results upwards where students respond to improvements at the end of their degree rather than reflect on what their experience was like overall.
8. We have found, through our NSS project work, that where an institution is confident enough in itself to focus on teaching enhancement rather than driving up NSS scores, that better learning experiences are provided for students.

### Learning environment

1. We support development of measures relating to staff training as well as those aimed at tackling the issue of casualisation in the workplace. However, we have some concerns over how these measures will be implemented to account for the terrific work of postgraduates who teach. Postgraduate teachers perform a considerable amount of teaching and support in institutions and they do so with often inadequate pay and reward, as well as insufficient training (see our *Postgraduates who teach report*<sup>28</sup>). Measures of staff training and contracts should take into account the fact that most postgraduate teachers will be on fixed-term contracts for legitimate reasons, and none of these measures should create incentives on institutions to hire fewer postgraduates or worsen their pay and conditions, as this will have a significant negative impact on the supply of trained and experienced teaching staff in the future.

### Student Outcomes

1. Employment outcomes are an important source of information for students in getting some understanding of their prospects and the type of career they could end up in. However, they tell us little about the quality of teaching on a course and relate mainly to external factors such as the economy and labour market; individual student factors such as social background and social capital, and things

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<sup>26</sup> Pearce, T. (2014) 'Has the market delivered for students in higher education?', *Times Higher Education*, <https://www.timeshighereducation.com/comment/opinion/has-the-market-delivered-for-students-in-higher-education/2017146.article>

<sup>27</sup> Sabri, D. (2013) 'Student Evaluations of Teaching as 'Fact-Totems': The Case of the UK National Student Survey', *Sociological Research Online*, available from <http://www.socresonline.org.uk/18/4/15.html>

<sup>28</sup> NUS (2013) *Postgraduates who teach*, available from [http://www.nus.org.uk/Global/1654-NUS\\_PostgradTeachingSurvey\\_v3.pdf](http://www.nus.org.uk/Global/1654-NUS_PostgradTeachingSurvey_v3.pdf)

relating to an institutions reputation and the perception of institution and subject by employers.

2. As Alison Wolf, among others, have explained very clearly, whilst there is a correlation between high levels of education and better employment outcomes, the causal link is messy and complex. There is no direct empirical link between the quality of teaching and learning a degree and better jobs and higher wages. Employers merely use the basic characteristics of a degree as an indicator to decide on whether a graduate is able to perform the role they have applied for. In Wolf's words, 'the degree requirement is as much about screening, and screening out, by general ability as it is about specific skills'.<sup>29</sup> This means that basic assumptions about degree classification, degree subject, and institutional reputation largely drive graduate employment outcomes. Very little about the actual quality of the degree and, more precisely, what is learnt in it, would be considered in any depth.
3. We also know that social background has an impact on a graduate's future prospects. While higher education can go some way in mitigating the social disadvantage that some students have when they enter university, especially if they attend a more selective institution, it remains a fact that students from poorer backgrounds are less likely to get the top graduate jobs, especially in the professions. The Institute for Fiscal Studies has said that the differences in student outcomes "can largely be explained" by the fact that students from different socio-economic backgrounds have "very different levels of human capital". Students from higher socio-economic backgrounds are 3.4% less likely to drop out, 5.3% more likely to graduate, and 3.7% more likely to obtain a first or 2:1.<sup>30</sup> HEFCE have also found that students from less advantaged areas tend to perform less well than students from more advantaged areas with the same prior attainment.<sup>31</sup>
4. De Vries has also shown recently that privately educated students earn higher salaries than state school students, even though state school students have, on average, higher attainment at university.<sup>32</sup> This is all in spite of the fact that, on average, students from state schools with the same grades perform better at university compared to those privately educated, suggesting that social capital, networks, and the informal curriculum in independent schools are having a strong effect on graduate prospects regardless of degree outcome.<sup>33</sup>
5. We must also include gender and ethnic inequalities to the mix. We know that there is a gender pay gap in Britain, and we also know that certain ethnic minorities are less likely to get top jobs. Recent analysis by HEFCE has shown that women are more likely to achieve a first or 2:1 in their degree, but, in spite of this, recent studies have shown that women graduates earn up to £8,000 less than men with the same degree.<sup>34</sup>

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<sup>29</sup> Wolf, A. (2002) *Does Education Matter? Myths about Education and Economic Growth*, London: Penguin Books, p. 197

<sup>30</sup> Institute for Fiscal Studies (2014) 'Socio-economic differences in university outcomes in the UK: drop-out, degree completion and degree class', IFS Working Paper W14/31

<sup>31</sup> HEFCE (2014) *Differences in degree outcomes: key findings*, available from [http://www.hefce.ac.uk/media/hefce/content/pubs/2014/201403/HEFCE2014\\_03.pdf](http://www.hefce.ac.uk/media/hefce/content/pubs/2014/201403/HEFCE2014_03.pdf)

<sup>32</sup> De Vries, R. (2014) *Earning by degrees: differences in the degree outcomes of UK Graduates*, Sutton Trust

<sup>33</sup> HEFCE (2014) *Differences in degree outcomes*

<sup>34</sup> Artess, J. (2013) 'Gendered Earning Power', GraduateMarket Trends, Futuretrack Special Winter 2013

6. The conclusion we must draw from this is that by linking teaching quality to employment outcomes, the results of the Teaching Excellence Framework will merely reflect the background of students. Not only is this a problem for the reliability and success of the framework, but it may also create perverse incentives on institutions to recruit fewer students from particular backgrounds. Whilst we encourage the use of widening participation metrics to contextualise data and give institutions credit where they add value for protected groups, we do not believe that this will be enough to protect students against the short-term interests of institutions that seek to raise employability scores, nor do we believe that such contexts address the key fact that employment outcomes are not directly related to the quality of teaching on a course.
7. Whilst the use of appropriate benchmarking for large data sets is common in higher education policy, NUS believes that the large number of different factors which must be taken into account to prevent perverse incentives will make this meaningless. We would expect, as a minimum, this data to be benchmarked in relational to institutional type, subject, geographic region, gender, race, age, sexual orientation and socio-economic background and other key widening participation characteristics.
8. It should also be noted that graduate employment prospects, as well as being affected by individual and institutional effects, are affected far more prominently by the state of the economy. While it is likely for economic shocks or fiscal intervention to have an aggregate effect on graduate employment, the institutional level effects are likely to be asymmetrical. We know that regional economies grow at different rates. Institutions that recruit high numbers of students from local areas will be disproportionately affected by regional and local economic shocks as well as regional and local investment. London universities, for instance, may perform better purely because they are in the capital, where growth is larger and salaries are higher.<sup>35</sup> Similarly, institutions in the South West, which often recruit local students, may perform well as employment rates in the South West are the highest in the country.<sup>36</sup>
9. Conversely, institutions in the North East and West Midlands, where unemployment is higher, may perform less well if they recruit from their local area.<sup>37</sup> These factors are exogenous to the institution and further emphasis on employment outcomes as a proxy for teaching quality will produce perverse incentives on institutions to recruit less students from their local community, which will have a severe negative impact on widening participation in those communities.
10. We must strongly question whether it is fair on an institution to rate the quality of their courses on the basis of a metric which is largely out of their control, is unlikely to be significantly improved by the raising of teaching standards on the course, and creates perverse incentives on institutions to recruit particular students over others.
11. We believe that 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

<sup>35</sup>HoC Library (2015) *Regional and local economic growth statistics*, Briefing Paper No. 05795

<sup>36</sup> ONS (2015) *Regional Labour Market*, July 2015

<sup>37</sup> Ibid



cultural understanding. There is a desire in both the higher education sector and amongst students themselves to move away from a single definition of 'success' to a more nuanced one, which surfaces the range of outcomes from HE. 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.

12. Employment outcomes remain an important information source for students. There is a clear need to understand career paths better, for a wide range of students. This includes better understanding of the flexibility or volatility that attends early-stage careers in some industry sectors, and the impacts of part-time study on careers. However, any measure of employment outcomes and career paths should remain a completely separate performance indicator that is not used as part of the TEF.

## **Learning Gain**

1. We support the development of techniques designed to measure learning gain and have been working with the Higher Education Academy and HEFCE in order to aid this development. We accept that at this current time, no adequate measures of learning gain are readily available, but we believe that it is essential for learning gain to be incorporated into any attempt to measure the quality of teaching and learning.
2. As things stand, the TEF will have no measures that are linked to learning. This is significant problem. Student feedback on satisfaction and performance indicators on class sizes and levels of training are unable to tell anyone whether a student has actually gained and knowledge or skills from their degree experience. In short, just because a graduate was satisfied with their degree and then goes on to get a job, it doesn't mean that we can say that they learnt anything from their experience, and we certainly can't make any measurement in the level or quality of what was learnt for comparison.
3. It is clear to us that any measure of learning gain needs to be focused at the individual level, looking at the relationship between individual students, their learning and those providing it. This key relationship in teaching and learning is seldom mentioned in the proposals, suggesting that more time needs to be taken to fully understand the complex problem that the TEF is aiming to solve.
4. We suggest that the TEF will fail to provide any accurate picture of teaching and learning for comparison unless time is taken to develop new measures of teaching quality and learning gain. Rushing into TEF 1 with a handful of proxies that in the Government's own words are inadequate and unreliable suggests that the aims of the TEF are not about measuring teaching quality at all, but are about other, potentially more pernicious, political objectives.

**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?

**No**

NUS does not believe that the use of common metrics from national databases provides an adequate picture of teaching quality and may, conversely, produce an inaccurate and misleading picture.

1. We share the concerns of the whole sector about the proposed use of metrics. We are concerned about the validity and robustness of national databases such as the NSS and DLHE and we do not believe that they are useful proxies for teaching quality, particularly those relating to student outcomes. Government, as we already stated, have also shared concern over the accuracy of these metrics. We believe that it is completely contradictory of Government to argue that the current measures available are unreliable and then use them to form the basis of the TEF.
2. Such metrics are also more open and prone to “gaming” by institutions and if based at the institutional level could help to cover over differences in quality between departments and faculties, preventing students from getting the correct picture of quality on their course.
3. We believe that there needs to be more flexibility by which institutions are able to contextualise what excellence looks like in their own circumstances, rather than be tied to aggregate level statistics that act as crude proxies for quality.
4. It is clear that the Government are, quite rightly, unable to give a clear definition of teaching excellence, but just like research excellence, teaching excellence should be supported and recognised wherever it is found, whether this be at an institutional level, a department or course level, or in the individual academics and support staff which deliver excellent teaching.
5. For this reason, we are concerned that aggregate level data is unable to distinguish between different types of “excellence” that will undoubtedly arise within different disciplines and institutions. Moreover, we expect different types of institution to specialise and excel in different areas and cultivate excellent teaching in vastly different forms and environments. Small and specialist institutions in particular will have specific ways of doing things in their fields which are not adequately accounted for in national databases and the smaller institutions may be unfairly penalised due to issues of small sample sizes for measures and comparisons, and larger year-on-year fluctuations in results.
6. Our position echoes the Wilsdon committee’s report into the use of metrics in research assessment. Their report argues that ‘there is a legitimate concern that some indicators can be misused or “gamed” and that ‘it is not currently feasible to assess research outputs or impacts in the REF using quantitative indicators alone’.
7. Research metrics are perhaps some way along in comparison to teaching quality metrics, so if there is evidence that research cannot adequately be assessed in this way, there is even more evidence to suggest this is the case with teaching. Even if



metrics were more developed and robust, there is still no avid support for using them at the expense of qualitative assessment, case studies, and peer-review.

#### **Question 12.a**

Do you agree with the proposals to further improve access and success from disadvantaged backgrounds and BME backgrounds?

#### **Yes**

NUS welcomes the Government's focus on widening participation and believes that any work must include well tested and nuanced measures to ensure that providers are properly focusing in these areas, and not able to "game" the system.

1. We look forward to working closely with UUK on the Social Mobility Advisory Group. NUS and students' unions have established a wide-range of evidence and practice in relation to access and success in higher education. Many students' unions play an essential part in developing and delivering provider's access work and so ensuring this learning and insight is effectively included will be important to the success of the group.
2. In order to ensure that the aims to further improve access and success, particularly for BME students is properly achieved, we would strongly advise that any measures are robustly tested and benchmarked. We also recognise that for some providers, the numbers of students involved will be too small to provide a robust data set. As is currently established, we would expect that any system would take such information into account when using data sets. In addition, we would expect that the DfA or the OfS (whichever is the most appropriate) would be empowered to respond in an appropriate way if evidence of short-cuts and "gaming" came to light within a provider.
3. We agree that having the right information available to prospective students is an important aspect of opening up higher education. We have been working very closely with HEFCE, who are leading on reviewing the public information landscape. However, through our work on the Higher Education Public Information Steering Group (HEPISG), we have seen growing evidence that a most crucial element is currently lacking in a systematic way for both young and mature learners. Access to informed, independent and personalised advice and guidance<sup>38</sup> for applicants about their education and career choices is a significant and worrying gap in the landscape and needs to be urgently addressed.
4. Crucially, this guidance must start well before the age of higher education application, and must be independent and professional to be truly effective. Young people, in particular, must be supported through the range of choices available to them – of which higher education is only one option of many. For this to be delivered, it is clear that higher education providers themselves are not in a position to do this – they are not truly independent from the process.

<sup>38</sup> <http://www.nusconnect.org.uk/resources/when-iag-grow-up>

**Question 12. b**

Do you agree that the Office for Students should have the power to set additional targets where providers are failing to make progress?

**No**

NUS has consulted with the Office for Fair Access and is supportive of their assessment that additional target setting powers would not be the most effective method for improving access at individual providers. We do agree with Government that there should be more powers for the Director for Access to draw upon.

1. We find the arguments presented by OFFA regarding additional target setting powers persuasive. However, we believe that additional powers of another nature would be useful for the DfA to have, as well as additional accountability measures.
2. In particular, we 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.
3. It is also important to consider the impacts of other proposals within the Green Paper on the powers of the DfA. In particular, it is important to NUS that the DfA does not lose their power to be accountable directly to Parliament. We are concerned that if the reporting powers of the DfA come underneath a Chief Executive or that of a Board of Directors, then those powers could become lessened. The success of the DfA and OFFA over the past ten years has been because they have been enabled to focus solely on a provider's work and plans on access and success – without other considerations and pressures clouding those views. We want to stress to Government the importance of ensuring these powers remain intact.

**Question 12.c**

What other groups and measures should the Government consider?

NUS would like to welcome the plans to introduce Sharia-compliant loans and the plans for apprenticeships. We would like to highlight the importance of focusing on part-time and mature students in social mobility work.

1. It is noticeable that the majority of this consultation, and much of the policy focus from the Prime Minister's targets, speaks solely about young people. Whilst it is widely cited that the number of full time, young entrants to higher education has not been impacted by the 2010 reforms, it is deeply concerning to see the drastic reductions in mature and part time learners.

2. According to HESA, part time student numbers have dropped by 212,000 since 2009/10 and mature student numbers have dropped by a shocking 43 per cent. In 2012 NUS and million+ published *Never Too Late To Learn*<sup>39</sup>, a research report into the experiences of mature students in higher education. It found that the barriers and solutions to supporting mature students through higher education are multiple and complex. In addition to this, in 2009 the Leitch review of skills<sup>40</sup> found that 70 per cent of the British workforce for 2020 had already completed compulsory education. There is an economic, as well as a moral, imperative to reversing these drastic reductions in mature and part time students.
3. Finally, we welcome the proposals to provide greater support for the development of higher level apprenticeships. We fully support the recommendations from the Association of Colleges recent report "Breaking the Mould"<sup>41</sup>.
4. We would like to invite the Minister to meet with the National Society of Apprentices<sup>42</sup> to discuss how apprentice voice can be embedded throughout the new developments.

### Question 13.a

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

NUS does not support any proposals that may require a sector body to share student data without a students' explicit consent. It is unclear to NUS what, if any, additional benefit will be derived from sharing additional data, beyond that which is already made, or already planned to be made available. Therefore, we feel any additional powers for Government in this regard are unnecessary and redundant.

1. NUS works closely with all bodies holding student data that may be useful in driving widening participation work forward, and particularly with UCAS, to ensure that the correct balance between sharing data and protecting students' rights to privacy is found.
2. We are confident in the recent proposals put forward by UCAS to share their data with the Administrative Data Research Network and to develop a new data-sharing agreement for students - post-application - is an appropriate solution to the challenge posed. It is unclear to us what data could be made available to researchers beyond these proposals, unless it is not anonymised data. We would strongly oppose the sharing of non-anonymised data.
3. It is clear from UCAS' research that over 60 per cent of students said that researchers should be able to use their application data to understand access to higher education and support efforts to widen participation – provided that they

<sup>39</sup> [http://www.nus.org.uk/PageFiles/12238/2012\\_NUS\\_millionplus\\_Never\\_Too\\_Late\\_To\\_Learn.pdf](http://www.nus.org.uk/PageFiles/12238/2012_NUS_millionplus_Never_Too_Late_To_Learn.pdf)

<sup>40</sup> [http://dera.ioe.ac.uk/6322/1/leitch\\_finalreport051206.pdf](http://dera.ioe.ac.uk/6322/1/leitch_finalreport051206.pdf)

<sup>41</sup> <https://www.aoc.co.uk/news/better-college-higher-education-means-better-skills-says-aoc>

<sup>42</sup> <http://nsoa.co.uk>

have given their permission first. Over half of those responding also said that their trust in UCAS would be reduced, and 8 per cent would consider not applying to higher education at all, if UCAS were to share their data without their consent.

4. This research reinforces findings from our own engagement with students on this issue – particularly most recently in developing a Code of Practice on Learner Analytics with Jisc.<sup>43</sup>

## The Higher Education Sector

### Question 14

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

#### Not sure

We believe that all higher education providers should require an access agreement in place before they are entitled to public funds through the student loan system.

1. NUS have reservations over an alternative provider's access to public funds in Model 2a without more demanding expectations on access and widening participation. Our position was clarified in our response to question 4.

### Question 15.a

Do you agree with the proposed risk-based approach to eligibility for degree awarding powers (DAPs) and university title?

#### No

NUS are strongly opposed to plans to make it quicker and easier for new providers to enter the market and access public funds. We do not believe the proposals for entry are high enough to ensure quality and sustainability. The proposals put both students and the sector's world class reputation at risk.

1. NUS believes that many of the gaps in the regulatory framework are the result of Government rushing through policy reforms in order to open the market and encourage more providers to compete with our public providers. This policy position has proven to put students at risk of institutional failure; sub-standard provision and bogus degrees and a lack of student support and representation. Ultimately it threatens to undermine the UK's international reputation in higher education.

<sup>43</sup> <https://www.jisc.ac.uk/guides/code-of-practice-for-learning-analytics>

2. NUS has had considerable engagement with alternative providers on issues of quality and student engagement. Whilst many APs have a basic interest in providing good quality provision for students, they overwhelmingly lack the knowledge and understanding of how to do this. In many other cases, the primary interest of providers is to find ways of making quick profits out of the provision of higher education, often by exploiting overseas students who have less access to information about what they ought to expect from a higher education course in the UK.
3. In both cases, whether new alternative providers are interested in quality of provision or not, for the vast majority it will take a considerable amount of learning and development before they can offer the type of quality education and experience students have a right to expect from a British higher education.
4. In particular, very few alternative providers have mechanisms for representing and engaging students. This is now commonly accepted practice in public institutions and deemed an essential part in quality assurance and the development of the quality student experience. If the Government are committed to ensuring that students are powerful actors in shaping their education, they must ensure that they have democratic and independent representation in alternative providers. We show in our response to question 20 the major benefits of students' unions in representing and supporting students; we believe that these benefits ought to be extended to students in alternative providers and that it should be a prerequisite for any eligibility for university title.
5. Even in more established private institutions, the governance structures and institutional culture often work against important aspects of our education system. For example academic freedom, and student and staff representation - by focusing instead on corporate decision making and business interests. Often, the student and academic voice is overruled by corporate boards. We believe that such boards require student and staff representation as a prerequisite for university title, as student voice and collegial governance are crucial tenets of our higher education culture and which help to develop and maintain quality teaching.
6. With the risk to students, to the higher education sector, and to the taxpayer being severely high in many cases, we do not understand how the Government can justify such a low threshold for entry. As explained in our response to question 5 a), entry to the sector, and subsequent checks and balances should work in tandem with one another - if one is low, the other should be high. As the Government want to maintain a simple and light-touch approach to regulation, the threshold for entry must be high.
7. Finally, we wish to express concerns over the proposals to open up university status to very small providers. We know that there are many small and specialist institutions which provide excellent education to students as well as excellent research. However, size does matter in higher education. Not only are small institutions more vulnerable financially, but it is clear that, in order to function effectively and ensure quality provision, a critical mass of staff and students are necessary to build a suitable learning environment and ethos.

### Question 15.b

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

NUS feels that, whilst clearer and more effective scrutiny of validation arrangements should be welcomed, the benefits of validation relationships between public HEIs and providers without degree awarding powers is hugely beneficial to alternative providers. We reject the Government's suggestion that such a relationship is exploitative on alternative providers.

1. We believe that there are many benefits to the validation of degrees by public HEIs which have been understated in the Green Paper. These benefits have been emphasised in discussions between NUS and staff at many alternative providers. It is simply not the case that the private sector are unanimously opposed to the current arrangement. The Green Paper suggests that APs feel at a significant disadvantage and are being exploited by public institutions, but in the vast majority of cases this couldn't be further from the truth. New alternative providers need the support and expertise of public HEIs and greatly value their validation relationships, which often develop into wider relationships for sharing information and advice. APs also tend to benefit from attracting staff from their validating partner who bring with them important knowledge of the sector and of good practice in a more established institution.
2. That said, we do understand that validation has not been properly regulated, which has led to a small number of institutions accumulating far too many validating relationships in order to generate revenue. Unfortunately, such behaviour is expected in the environment of strong market competition that the Government has encouraged, and the financial insecurity of some institutions as a result of huge cuts in public funding. But whilst we do not blame these institutions for their response to marketisation and austerity, we also accept that such behaviour ought to be discouraged.
3. Therefore, we suggest that HEIs should continue to provide validation of degrees, but with some limits put in place on the number of validating relationships allowed. We do not believe that any HEI should validate degrees for other providers if it does not meet the baseline quality assurance requirements.
4. We also suggest that some incentives should be put in place to encourage more selective institutions to take up validation arrangements. These institutions currently have no interest in this because they do not require the funding, and such relationships may pose a substantial risk to their national and international reputation.
5. NUS have concerns about giving degree awarding powers to profit-making education companies such as Pearson and Edexcel as their interests in such matters would be largely profit-driven, they have limited understanding of traditional higher education provision, and their provision has been called into question by the QAA. Around 15% of recommendations for improvement in 2014-15 HERs related to programmes leading to Pearson awards. We therefore have



concerns that Pearson's validation relationships in college higher education are not up to scratch as they have continued to validate unsatisfactory courses.<sup>44</sup> This undermines our confidence in the ability of private education companies in validating degrees.

#### **Question 16**

Do you agree with the proposed immediate actions intended to speed up entry?

**No**

NUS is opposed to light-touch regulation, particularly in relation to alternative providers and the low threshold for entry, and have set out our concerns on this matter in our answers to questions 14 and 15.

#### **Question 17**

Do you agree with the proposals to introduce a requirement for all providers to have contingency arrangements to support students in the event their course cannot be completed?

**Yes**

NUS strongly supports the introduction of requirements for all higher education providers to have robust contingency arrangements in place. It is vital that these arrangements are agreed and in place upon entry to the sector; that these arrangements are regularly reviewed and amended in partnership with the student body, and that the arrangements cover all eventualities of provider failure – from whole-scale institutional failure, to course closure, to loss of Tier 4 license.

1. NUS strongly opposes the continued marketisation of higher education and we find the analysis that asserts that further marketisation as the best solution to putting students at the heart of the system as fundamentally flawed. Treating students as customers reduces and confines their power; instead NUS strongly supports developing a partnership approach to developing, delivering and enhancing higher education. This approach is fully outlined in our 2012 Manifesto for Partnership<sup>45</sup>, and identifies how we see treating students as equals in the decision making processes throughout higher education create a stronger, more inclusive, more effective system.
2. However, for true partnership to be achieved, students must feel secure in their learning environment – this security is derived from a number of factors: feeling included and welcome, having access to appropriate health and academic support and having affordable and safe accommodation. Included in this is having appropriate protections for students if something goes wrong during the course of their study through no fault of their own.

<sup>44</sup> QAA (2015) *Higher Education Review: Second Year Findings 2014-15*

<sup>45</sup> <http://www.nusconnect.org.uk/resources/a-manifesto-for-partnership>



3. NUS is a co-signatory of the recently published a Statement of Good Practice for Student Protections<sup>46</sup>, alongside UUK, GuildHE, AoC, Study UK, HEFCE and the Independent Universities Group. The statement sets out five main principles of practice:
- There should be transparent, fair and accessible policies and practices governing course closure and changes
  - Policies and practice should recognise that students invest time and personal effort in their studies and need timely dialogue and clarity of options when changes occur
  - Providers should set out clear arrangements for informing and consulting with students about material changes to continuing courses
  - Providers should set out clear arrangements for continuity of provision for students in the event of the closure of a higher education course
  - Providers should consider how they can support the wider higher education sector and its students in the event of programme (or provider) failure elsewhere.
4. Whilst we are pleased that the representative bodies of all types of higher education providers have signed this statement of good practice, there is currently no obligation from any provider to implement these guidelines – leaving students at risk from unequal protections.
5. We also believe that consideration of how students will be protected should not begin at the point of failure, but should be thoroughly considered and developed before a provider enters the sector, and that they are regularly reviewed in partnership with the student body.
6. We believe that these protections should apply across the UK, regardless of funding arrangements – courses can close, or institutions can lose their Tier 4 license across all four nations for any number of reasons, and students have a right to be protected from these failures regardless of where they are able to study.
7. We would also recommend that student protection statements pay particular attention to any acute effects institutional or course failure might have on students from under-represented and widening participation backgrounds. In particular, we are concerned that certain types of students will be less able to transfer courses as easily – particularly those with caring responsibilities, although there are likely to be many others. In addition, we would recommend that there is a national monitoring system to assess risk areas in relation to growing cold spots for certain course provision.

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<sup>46</sup> [http://www.hefce.ac.uk/media/HEFCE,2014/Content/Regulation/Student,protection/Statement\\_good\\_practice.pdf](http://www.hefce.ac.uk/media/HEFCE,2014/Content/Regulation/Student,protection/Statement_good_practice.pdf)

## Simplifying the Higher Education Architecture

### Question 18.a

Do you agree with the proposed changes to the higher education architecture?

#### Yes

NUS is broadly supportive of the plans to merge HEFCE and OFFA into a new body called the Office for Students. Our support, however, is contingent upon assurances that the body will indeed best represent the interests of students, ensure that students are fully involved in defining what those interests are and also provide crucial support services to institutions.

1. 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 students are adequately represented within the governance structures of the OfS.
2. We are concerned about the Government's confidence in employers being able to contribute to the governance of higher education. Employers do not have sufficient insight into the workings of higher education and academic learning and teaching to be able to give accurate and reliable intelligence on what teaching excellence involves. We have seen from the involvement of employers in vocational education reform in UK education, and also in college education reform in the United States, that employer demands for more skills-based and job-orientated learning had a negative effect on teaching quality rather than a positive one<sup>47</sup>.
3. Furthermore, employers are unlikely to look at issues of education from a purely objective standpoint for the good of the country, they will be out to find ways of securing their own interests, often short-term, in order to improve their own competitiveness.

### Question 18. b

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

#### Yes, Fully.

<sup>47</sup> Arum, R. (2011) *Academically Adrift: Limited Learning on College Campuses*, Chicago: University of Chicago Press; Wolf, A. (2002) *Does Education Matter? Myths about education and economic growth*, London: Penguin

**Question 18.c**

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

We believe that it may well be necessary and, most likely, desirable for the OfS to contract out functions for quality assurance and enhancement to separate bodies, particularly as such bodies already exist and perform a valuable function in the maintenance and development of the higher education system.

1. The QAA has successfully evolved and developed with the HE sector and their approach has become more rounded and inclusive. We believe that it is hugely positive for the sector to have an independent quality assurance process run by an expert body, one which values peer review and involves students directly in the process. Such a process would ultimately remain more effective and, indeed, efficient if it were run by a separate body rather than the OfS, which will already be handling so many functions.
2. Equally, we see a continued role for an independent agency aimed at developing and enhancing teaching and learning, and championing partnership and student engagement in higher education. The Higher Education Academy is one such body which currently performs this role, producing important research, guidance, and engagement and experience surveys for enhancement. Institutions greatly value this work and it has been a clear driver in achieving excellence in teaching and learning, which, we would add, appears to be much more effective at raising standards than any mechanism for market competition. The OfS should support the work of such bodies rather than attempt to centralise it within its own remit or limit the options available to institutions to support and enhance their work.

**Question 18.d**

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

Decisions about funding allocation should be led by the OfS, with only highest level direction from Government. We strongly oppose more centralised Government control of teaching funding.

1. The OfS should be empowered and trusted to make the right decision over how funding is best allocated to meet the objectives of Government and the needs of students and institutions.
2. Any attempt to centralise and politically manage teaching funding undermines the financial autonomy and academic freedom of the higher education sector and leaves the system open to political abuse. We should be building trust not creating conflict.
3. We wish to see funding for research degree programmes continue to be part of Quality-related Research Funding in a dual-funding system and it should probably be dealt with by the research councils, but with adequate steering and involvement from students, students' unions and experts on postgraduate research provision.

**Question 19**

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

**No**

NUS is opposed to light-touch regulation, particularly in relation to alternative providers and the low threshold for entry, and have set out our concerns on this matter in our answers to questions 14 and 15.

## Students' Unions

### Question 20

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

NUS welcomes the recognition of the important role students' unions play in representing students' interests and the importance of the work that we have done with Government.

Students' unions are committed to being transparent and accountable and respond willingly to the provisions of Charity Law and the 1994 Higher Education Act. NUS is committed to helping support them in this endeavour.

There is significant potential to continue to develop as a strong self-regulated students' union movement with robust, consistent and comparable published data about what students' think of them; with a quality framework that is externally validated and has widespread adoption; and that has unprecedented levels of student involvement underpinned by consistent and robust sharing of data.

### Students' Unions in 2015

1. We want to take this opportunity to talk about the work of students' unions and the steps that we and they have taken together over the past twenty years to improve transparency and accountability.
2. Students' unions are a vital part of the education landscape and powerful agents of positive change. Not only are they representatives of students throughout their institution's decision making structures, they are also major employers of students, helping them gain key employability skills, they support the welfare of students through comprehensive advice and guidance; provide a wide range of cultural, developmental and social [opportunities](#); and play a vital role in providing independent expert advice and advocacy to students in institutional hearings.
3. Whether it is through their work changing the social norms around drinking on our campuses through their work on [alcohol impact](#); or leading the debate on [sustainability](#) and [lad culture](#); or in providing life-changing experiences for hundreds of thousands of students through their [clubs and societies](#); or in driving up [educational quality](#) through supporting systems such as course reps and innovative practice in [student engagement](#): students' unions are widely recognised as a positive and powerful influence on higher education.
4. Between the 94 HE Students' Unions that responded to the 2015 SU Survey conducted by Teesside University Students' Union in collaboration with NUS, there were reported 179,500 visits to advice services which handled 89,900 cases (an average of nearly 1,000 in each institution) during the 2013/14 academic year.

5. Moreover those 96 HE unions supported 188,400 students playing sport and 355,600 students in societies and non-sporting groups. They supported over 4,300 community projects involving 37,800 students in these. They supported 42,900 or an average of about 440 student representatives at course, faculty, and school levels as the student voice in each institution.
6. We particularly welcome the recognition in the Green Paper of the work that SUs, working with NUS, have done with Government. Together we have improved students' lives. Together we rolled out the influential student voter registration programmes for General Election 2015. When the single payment system was brought online through the Student Loans Company SUs advised on how to make it work for marginalised groups like care leavers, disabled students and estranged students.
7. There are many more examples of fantastic work that individual students' unions undertake and our recent [#LoveSUs campaign](#) showcased this. It showed clearly the role that our members have played at the forefront of educational change and the widespread support that students' unions have from across the educational landscape. They stand ready to continue that role in the future.

## Accountability and transparency

1. Vital to ensuring transparency and accountability in students' unions is ensuring effective support for governance, democracy, leadership and organisational quality processes.

## Governance

2. Unlike trades' unions, students' unions are independent charities primarily regulated by Charity Law and the 1994 Education Act. The political activities of students' unions are regulated by law. Relevant statutes include:
  - Charities Act 2011 (in England and Wales)
  - Charities and Trustee Investment (Scotland) Act 2005 (in Scotland)
  - Charities Act (Northern Ireland) 2008 (in Northern Ireland)
  - Education (No. 2) Act 1986 (relevant sections apply across the whole of the UK)
  - Education Act 1994 (in England, Wales and Scotland)
  - Representation of the People Act 1983 (across the whole of the UK)
  - Political Parties, Elections and Referendums Act 2000 (across the whole of the UK)
  - Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 (across the whole of the UK)
3. Some of these laws give powers to regulate the activities of students' unions to particular bodies, for example:
  - The governing bodies of colleges and universities
  - The Charity Commission (in England and Wales), the Office of the Scottish Charity Regulator (in Scotland) and the Charity Commission for Northern Ireland (in Northern Ireland)
  - The Electoral Commission



4. Students' unions can only commit resources in pursuit of their charitable objectives. Some are charitable companies, some are charitable incorporated organisations (CIOs) and many are unincorporated associations. Like any other charity unions already comply with specific financial reporting commitments from the Charity Commission through the Charities SORP and many also have clear MoUs and SLAs with their relevant institutions that set out clearly what the relevant reporting requirements are.
5. NUS is recognised by the Charity Commission as the umbrella body for students' unions. By working with and through students' unions, together the movement has undertaken significant work over a number of years to help ensure good governance and compliance with Charity Commission requirements.
6. A large number of students' unions now make use of model governing documents that have been developed by NUS for its affiliate members, alongside legal guidance produced by BWB LLP, that have been widely adopted. This helps to ensure that students' unions adopt robust governing documents that are fit-for-purpose, contain appropriate educational objects and have the usual provisions required for charities. These have been considered by the Charity Commission and, where appropriate, given approval for use by SUs when registering with them.
7. Students' unions also regularly seek independent legal advice when applying for registration as a charity and one of the key roles that unions charge NUS with fulfilling is regularly commissioning and publishing legal guidance on key issues facing students' unions as a whole, such as the implication of the Prevent duty and the undertaking of political activity. Students' unions also operate within a good [governance code of practice](#), developed with support from the Higher Education Funding Council for England and Universities UK. This is applicable to all students' unions, follows Charity Commission requirements closely; establishes seven key principles of good governance and provides the mechanisms for students' unions to assess themselves against those principles.
8. Students' unions have increasingly strong trustee boards that are a healthy mixture of experience, beneficiaries, student leaders and external perspectives. Our last survey in 2013 put the split at somewhere in the region of 45% student leaders, 25% beneficiaries, 30% external.
9. Students' unions are a professional reflective community and often ask NUS to help them develop, for example helping them undertake in excess of 40 governance-related reviews in the last 3 years. The associated learning is available for other unions to access through webinars, online resources and our trustee training module. We are still in the process of understanding the impact this work has but initial feedback shows that there has been increased confidence from parent institutions, leading to fewer interventions and increased freedom of resources. Reserves position of most unions has been seen to improve. Risk registers are in place and are actively monitored.
10. Earlier this year a sample of ten students' unions were selected for inspection by the Charity Commission as part of their regular sectoral compliance audit process with a particular focus on trustees understanding of their roles in relation to extremism on campus. They reported no causes for concern to us with any of the unions that were examined and published no negative findings.

## Democracy

11. Students' unions have been driving the development of strong and participatory democratic process in students' unions for a number of years and have followed closely Electoral Reform Society principles and expertise around ATV systems in doing so.
12. Modern democratic processes in many students' unions are not simply focussed on the election of student leaders; they provide multiple mechanisms for students to contribute to the development of their union and have a say in how it is run. Participative democracy also instils a sense of citizenship and the recent increases in the number of students voting in general and local elections is partly attributable to improvements in student democracy.
13. Students' unions make use of a comprehensive elections support service to drive quality of elections in students' unions. We act as National Returning Officer for many of our largest students' unions and help them ensure they fulfil their obligations for free and fair elections under the 1994 Education Act. Our [report](#) on the work of that service can be found here. Overall percentage turnout figures for 2015 are broadly consistent with previous year's figures, showing a 1% drop on 2014's average of 19% (18.3% in 2013). Within these figures there are notable exceptions in terms of individual unions with some increasing by over 50% year on year.
14. Many students' unions are seeking to become ever more innovative in their use in their development of best practice in democracy. This includes activity such as the more than twenty democracy reviews we have undertaken on behalf of students' unions that have created a number of trailblazer unions making use of innovative forms of inclusive democracy; and other projects such as the "Democracy is dead, long live democracies" [project](#), building up a bank of [case studies](#) and the "Diversifying Your Elections" [project](#). Our reviews have shown us that the movement is committed to continuous review and have usually resulted in additional methods for students to feed into the decision making processes of the students' union.

## Leadership

15. Effective leadership is a vital element of ensuring accountability and transparency. Students' unions make use of a well-renowned and comprehensive learning and development programme. This is provided by NUS and developed in partnership with external experts such as Vanilla Consulting and the CASS Centre for Charity Effectiveness. It is designed for student and staff leaders of students' unions that ensures they are equipped with the professional skills and competencies required to lead significant organisations.
16. Last year 500 student leaders attended our flagship 'Lead and Change' summer residential programme which kick starts our year round development programme and includes online learning, webinars, face-to-face taught sessions as well as intensive residential courses.

17. Course content developed student leaders in the following leadership skills:

- Leadership – personal leadership and leadership behaviours
- Building a peer network
- Understanding and engaging your students
- Communication and influencing skills
- Being an Student Officer
- Policy knowledge and political ideas
- Working in a student's unions
- Prioritising the year ahead

By the end of the course the student leaders are equipped with the knowledge and skills they needed and able to demonstrate a range of leadership competencies.

18. We are committed to the belief that diverse leadership makes for more accountable and effective leadership and run programmes specifically designed to develop and support diversity through our equality and diversity work. We run an 'Aspiring Women Leaders' programme in conjunction with Aspire and organise an annual Women in Leadership Conference which attracts 300 delegates each year. It focuses on encouraging and supporting women to progress into leadership positions. We also run a Black Leaders programme and are planning a Race Matters Summit which is due to take place in March which will challenge the student movement to take positive action and to promote more inclusive practice in terms of race equality.

19. Additionally NUS runs the '[I Will Lead](#)' coaching and mentoring scheme which is open to anyone who self-defines as a Woman, Black, Disabled or LGBTQ+ student and matches them to people who are successful leaders and gives them access to free coaching and mentoring to help them to develop their potential.

20. Both NUS and students' unions play a key role in supporting the development of student media, whether through individual SUs supporting local media societies or through working in partnership at a national level with the National Union of Journalists. This activity plays a key role in ensuring free speech and holding SUs to account.

## Organisational quality

21. Central to ensuring that students' unions are transparent and accountable is the need to develop approaches to organisational development that are contextual, fit-for-purpose, and drive up quality.

22. Students' unions have long recognised this need for a wide range of organisational development activity designed to increase the quality of students' unions, and NUS has provided support for them. We research our membership's needs, we provide a range of consultancy services and operate a Preferred Suppliers' Scheme that enables SUs to access commercial providers across a range of professional support services that can support them and that know and understand their market.

23. On the occasions when unions are facing a significant challenge or change, they can call on a free diagnostic service provided by our Strategic Support Unit. This helps them objectively review their organisational performance and implement real improvements. We have conducted 46 of these to date and, although the long term impact of these is yet to be determined, in the short term key stakeholders

have been pleased with the changes they have been able to enact through the process.

24. Increasingly fundamental to all of this work and the work of students' unions is our [Quality Students' Unions](#) (QSU) framework that has itself evolved out of the previous HEFCE-funded 'Student Union Evaluation Initiative'.
25. QSU has been developed by NUS on behalf of students' unions to assure their quality, standards and overall effectiveness. This quality mark is a single management tool that interlocks with, and complements, relevant standards and codes that already exist within the student movement.
26. Developed with funding and endorsement from the Higher Education Funding Council for England (HEFCE) and with support from a wide range of sector partners, it is designed to help students' unions meet a set of minimum standards to be considered an accredited students' union and provides a robust framework for unions to self-develop, accessing expertise in key areas and benchmarking against comparable students' unions.
27. QSU is now in its second year of operation with over 127 students' unions now registered on the scheme and working their way through it. Thirty-five students' unions having completed their basic Part A accreditation and three have completed their part B external verification and achieved a rating, with several more booked in for their verification within the next few months. Increasingly, NUS and students' unions will be using the criteria in that scheme to underpin their organisational development

### **Suggestions for improvement**

1. Students' unions and NUS are not complacent when it comes to ensuring transparency and accountability. We believe there are a number of key areas where, potentially by working in partnership with others such as relevant sector agencies and funding bodies, we can undertake work to further improve the transparency and accountability of students' unions.

### **Question 23 from the National Student Survey**

2. We have been closely involved in the ongoing review of public information in higher education and the National Student Survey being undertaken by HEFCE on behalf of the funding bodies. Of particular relevance to the question of the transparency and accountability of students' unions is the proposed removal of question 23 on the satisfaction of students with their students' union; and its proposed replacement outside of the core survey with an optional bank of questions about students' union that would not be published.
3. Question 23 has improved accountability dramatically and is the main way students' can express a view about their students' union. As a result it has prompted many students' unions to improve their offer to students. Many have used the results to successfully demonstrate their positive impact on students' lives. We also recognise that the data has been used by many of our members to secure more support from their institution, and to help engage the widest range of students possible in their union.

4. However, we have also had extensive feedback from our members that there is widespread dissatisfaction with the current wording of the question. The wording is extremely broad, and it is not at all clear which of the many services provided by the students' union are being rated when a student answers the question. Further, we acknowledge the concerns of the cognitive testers employed by HEFCE in recognising that students' interpretation of the current question differs from the intent of the question itself. Students' unions welcome the opportunity to be held to account by our members, but would prefer to be measured by data that has been proven valid and provides more nuanced and contextualised information about the range of services our members offer.
5. Whilst we therefore welcome the current proposal from the funders to develop an optional bank of questions around the students' union, we would prefer the bank to be part of the core survey and therefore mandatory and routinely published. We feel that asking four or five questions about different aspects of the students' union would be very helpful to our members, would help deliver a further step-change in accountability to their student members, and enable them to better target their interventions and changes.
6. We recognise this approach would require an exemption to the criteria specified by the funders for the core survey but feel this is a reasonable trade-off given the focus on accountability on students' unions that the Green Paper has now introduced. If this were not possible then an alternative which we would also welcome would be to append the students' union bank to the end as a 'mandatory' bank that whilst it is not part of the core survey would still yield robust and publishable data.
7. If the bank of students' union questions cannot be made core, or added on as a mandatory published bank, then whilst we feel this would be regrettable NUS would like to work with students' unions and the HE funding councils to secure a requirement for the sharing of NSS data created through the optional bank between students' unions and NUS. This would ensure that valuable enhancement work continues to take place. We also think that in order to ensure a sufficiently broad sample of students' unions to make the data meaningful, if a students' union wishes to include the optional bank then the institution must not be able to veto its inclusion.

## Data sharing

8. Core to ensuring the transparency and accountability of students' unions is the level of engagement they have with their student members, both in terms of breadth and depth of engagement. If unions have high levels of engagement then the student body themselves will be in a position to ensure that transparency and accountability is maintained.
9. We know that key to achieving this engagement is being able to contact students directly and that robust data sharing arrangements with parent providers, that enable the transfer of student details whilst rightly upholding legal principles of data protection, are required to support this. Indeed, many students' unions have solid data sharing agreements in place with their parent institutions already, and we would be keen work with relevant partners and sector agencies, such as HEFCE, to require providers to share this information and to develop good practice in how that data sharing should be undertaken in an ethical and sound manner



## Quality Students' Unions

10. Our organisational quality framework, Quality Students' Unions, is itself continually developing with the support and guidance of, HEFCE, QAA, GuildHE and the Leadership Foundation, who are members of the oversight board responsible for it. It will become a way to stretch students' unions beyond their current capacity and improve transparency and accountability. As unions progress through QSU, they are able to demonstrate publically the standard of their organisation – 'good', 'very good' or 'excellent'. We hope this provides useful, open data for prospective students, parents and other stakeholders, including universities, who are then able to use this as a key part of their Education Act 1994 duties to safeguard the effective operation of SUs.
11. We believe this is an area where even more progress can and should be made. Whilst many students' unions have registered for the scheme, and many are currently progressing to achieve verification we would like many more to make it through the scheme.
12. We would be keen to explore what more can be done to encourage and support students' unions through this vital process by way of endorsement and support or resources either from BIS directly or from other related sector agencies.
13. We are aware, for example, that the current review of public information is recommending that more focus should be placed on the information provided by institutions directly to students and would like to explore whether a union's QSU status could be considered part of the information requirements placed on providers and either displayed on their website or on Unistats.
14. We expect this change would drive take-up of QSU and support from providers for unions going through the process, which in turn would deliver significant improvements in the robustness of students unions and their transparency and accountability.

## Transparent and accountable but not complacent

15. We have tried to set out in this response how students' unions are already transparent and accountable, the role that NUS plays in ensuring they continue to be so, and have suggested some effective ways in which we can do more.
16. We want to continue to develop as a strong self-regulated students' union movement with robust, consistent and comparable published data about what students' think of them through the NSS; with a quality framework that is externally validated and has widespread adoption; and that has unprecedented levels of student involvement underpinned by consistent and robust sharing of data.



**Question 21.a**

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

**Yes**

We believe that the OfS requires sufficient autonomy from political tinkering to be able to function effectively and work in the student interest. Essential to achieving this, is ensuring that student representatives are fully involved in the governance and oversight of the OfS.

We would like to see the OfS continue to provide research and support to the sector, and we wish for the DfA to have more powers to tackle widening participation at both undergraduate and postgraduate level.

1. We are concerned that the merger of HEFCE and OFFA will lead to important research and insight conducted by HEFCE to support institutions and stakeholders will no longer take place, and the ability for institutions to gain important intelligence and advice constrained to the detriment of students and the sector as a whole. An OfS must still provide institutions with the type of support that HEFCE currently offers them such as research and data analysis, crisis management and support, and offer funding and support for new projects and innovations in the sector.
2. Whatever the duties and powers of the OfS are, it is clear to NUS that it is essential that students play a full and central role to the oversight and direction of the Office for Students. If the Government truly wish to see students as powerful actors in shaping their education, then they need more than one seat at the table.
3. We 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.

**Question 21.b**

Do you agree with the proposed subscription funding model?

**No**

Increasing the financial burdens on institutions via the administration of the OfS and TEF, only places greater pressure on them to raise fees even higher and increase the overall cost of education to the individual student, a cost that is already the highest in the world.

1. Institutions already fund several bodies in the sector, including the QAA, OIA and HESA.
2. As the majority of higher education funding is now derived from tuition fees, a model which moves further away from state responsibility and puts greater financial burden on institutions will mean ultimately that students are the main funder of the OfS. We reject this proposal. Students should not be expected to see their tuition fees spent on the administrative costs of managing and regulating the sector.
3. As OfS will largely be a body created to implement a market and funding regime imposed on institutions by Government, and take on powers of public bodies which were previously funded directly by Government, it seems contradictory to ask the sector (and ultimately students) to pay for its administration.

#### **Question 22.a**

Do you agree with the proposed powers for OfS and the Secretary of State to manage risk?

**No**

We do not agree with the proposals for the Secretary of State to have control over the setting of fee caps.

1. Fees in higher education in England are already the highest in the world. Furthermore, our student loans system is at breaking point and students face a lifetime of debt after graduation. Considering the serious impact that raising tuition fees could have on individual students entering higher education, and the impact on the country's public finances for which the taxpayer is ultimately liable for, we see it as fundamentally necessary for any future decisions about fees to be made by Parliament. Allowing the Secretary of State to raise or lower fees by fiat is a weakening of democratic accountability and undermines the Parliamentary system.

#### **Question 23.**

Do you agree with the proposed deregulatory measures?

**No**

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.

1. In the interests of the Government's agenda on transparency and accountability, it is inconsistent to exempt higher education providers from the Freedom of Information Act. In addition, as the Green Paper frequently highlights, it is now students and the taxpayer is that are funding higher education, through the student loans system.

2. Freedom of Information requests are an important channel for students and the taxpayer to hold institutions which receive Government funds, either directly or indirectly, to account. There are many examples of crucial information becoming publicly available from higher education institutions as a result of FoI requests, and such request have prompted important changes by highlighting institutional failures that were otherwise concealed.
3. We understand that FoI requests can be an administrative burden, especially as many of them involve suppliers simply trying to gather market intelligence. We believe that the Government should look into ways to ensure that the FoI Act works in the interests of the public and the key stakeholders in higher education and not be abused by private companies.
4. We recommend that alternative providers not already included in the Freedom of Information Act should be included in its scope.

## Reducing Complexity and Bureaucracy in Research Funding

### Question 25.a

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

NUS believes that any changes to research funding must ensure that postgraduate research remains a core priority and that students are adequately and fairly funded.

1. NUS wants to ensure that postgraduate research programmes are still adequately funded through Quality-related Research Funding and that the funding is allocated on the basis of the quality of the research degree programme rather than general research quality, as these two things are not the same. Currently, the RDP funding element is not fairly allocated as the formula used is derived from REF results that measure general research quality, not quality of research degree programmes. We have highlighted this issue to HEFCE who have agreed to work with stakeholders to improve the metrics for RDP funding allocation.
2. We would also want to ensure that research councils still have autonomy in making decisions over the funding of postgraduate research students through studentships, as the current model proves effective at ensuring PGR students have the financial support that they need to excel.
3. We reject proposals by the Government to introduce loans for postgraduate research students and provided detail of our concerns in our response to the BIS consultation on postgraduate loans in March 2015.