



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

## QAA's Response

January 2016

## Introduction to QAA's Green Paper Response

The Quality Assurance Agency for Higher Education (QAA) was established in 1997 as the UK higher education sector's independent quality body, with the full endorsement of Rt. Hon Gillian Shephard MP, then Secretary of State for Education & Employment, and the Secretaries of State for Northern Ireland, Scotland and Wales. For almost two decades, QAA has provided public assurance which safeguards the UK higher education brand and is itself highly regarded around the world. During that time, QAA has adapted to meet the needs of our changing higher education sector and, with the opportunities presented in the Green Paper, is ready for the next step-change in what we do.

QAA has offered advice to BIS in the development of some of the proposals in the Green Paper, *Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice*. In this response to the Green Paper, we offer support for many of the proposals, and what we hope are constructive suggestions on how and why some might be further improved. We will continue to offer our expertise as these proposals develop in the future.

### **Quality assurance and the Teaching Excellence Framework**

QAA agrees with the proposed single regulatory framework and with a risk-based approach, but we do not agree that all regulation should be light touch. Instead, we argue that in order to be genuinely risk-based, it should be 'right touch', with scrutiny and support focused where it is needed most. We advocate an approach that continues to provide assurance, but is sophisticated enough to recognise the differences between providers in the sector.

Proportionate quality assurance can be readily integrated with the Teaching Excellence Framework (TEF). QAA firmly believes it is possible to create a single integrated system that will deliver BIS' proposed reforms, bring the changes to quality assurance that the sector desires, satisfy Home Office requirements and protect the international reputation of UK higher education.

This response shows our support for the potential of the TEF as it develops, and how it may enhance students' interests and the reputation of UK higher education. Public debate has focused on the proposed metrics: QAA supports the intelligent use of metrics, importantly balanced with expert assessment panels who can also consider context (including students' views) when reaching decisions. We have offered detailed advice to BIS on TEF design.

### **Market entry**

We welcome the Green Paper's proposals to introduce a single route for market entry. Indeed, QAA, through its Advisory Committee on Degree Awarding Powers, has already begun work on a common approach for all applicants for degree awarding powers, streamlining the processes for new providers to enter the higher education market.

Our response also suggests further ways, beyond those in the Green Paper, by which degree awarding powers (DAPs) could be awarded at different qualification levels and in specified subjects. This would allow providers to gain restricted DAPs earlier, then extend those powers as they demonstrate their capacity to manage their responsibilities. We also agree that university title should be available to a more diverse range of providers and have set out what we see as the critical factors for this.

We agree that, if market entry is opened up to a wider range of new providers, there should be greater protection for students in the event of a provider failing. As well as a single register of providers, we propose a permanent, publicly accessible record of higher education providers (including those which subsequently fail) and the qualifications they offer, to protect graduates and inform employers. We recommend a probationary period

following the award of degree awarding powers, while new providers grow their provision. We also agree that validation should be more transparent and accessible.

### **Regulatory architecture**

QAA has long championed the student interest and the new Office for Students (OfS) represents a welcome shift in regulatory emphasis. The OfS should be agile, able to adapt to the evolving higher education sector in England and to connect with the rest of the UK. For these reasons, we propose that the OfS, in making its regulatory decisions, should receive advice from existing expert bodies with a UK-wide remit for TEF assessment and quality assurance. We believe that statutory authority for QAA would strengthen public confidence in both independent quality assurance and the TEF.

### **Principles for the future regulatory framework**

While we agree with the creation of the OfS, we have some concerns about the extent of its proposed powers. We could not support the specific proposed duty of the OfS to require providers to meet a baseline level of quality, if that involves defining standards.

The current regulatory framework is based on the principle of co-regulation, where those with a stake in higher education, such as students, providers and regulators, are partners with roles to play. This is a principle we believe should be protected in any forthcoming Higher Education Bill.

Continued co-ownership of the academic infrastructure of the quality assurance framework is also an important principle. QAA maintains the UK Quality Code for the sector, overseen by an independent external steering group of sector representatives. We believe the Quality Code's 19 Expectations continue to express a shared understanding of what quality and academic standards mean in the UK. A revised, improved and simplified Quality Code, which evolves with UK higher education, should remain owned by the sector and maintained by QAA.

Finally, independent quality assurance is the single best way to protect our sector's reputation and global brand. True independence requires a quality assurance agency which, drawing upon the expertise of the sector, makes fair, impartial decisions and provides advice, makes judgements based on consistent criteria, and is not beholden to or overly influenced by particular interests.

Support has been expressed for these principles throughout the funding bodies' current review of quality assessment, in evidence to the BIS Select Committee's inquiry into assessing quality in higher education, and in responses published to date on the Green Paper. QAA was established as a UK-wide body precisely to deliver on these principles. As we collectively consider the proposals set out in the Green Paper, it is timely also to consider the next step-change in the development of QAA, into the body responsible for both **quality assurance** for providers with degree awarding powers **and accreditation** for those without, underpinned by statute.

We look forward to working with BIS and our sector partners to take forward the next phase of work, following this Green Paper.

**Summary of the main recommendations in QAA's response:**

- Integration of quality assurance, Tier 4 requirements and the Teaching Excellence Framework
- Right touch, not light touch, regulation
- In making regulatory decisions, the Office for Students should rely on advice from existing expert, UK-wide bodies
- Further proposals for opening up market entry, and a more flexible route to degree awarding powers and university title
- Register of all higher education providers (including those which subsequently fail) and the qualifications they offer
- Retention of a revised, improved and simplified UK Quality Code
- The transformation of QAA itself with responsibility for quality assurance *and* accreditation, underpinned by statute.



# Department for Business, Innovation & Skills

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

You can reply to this consultation online at:

<https://bisgovuk.citizenspace.com/he/fulfilling-our-potential>

A copy of this response form is available at:

<https://www.gov.uk/government/consultations/higher-education-teaching-excellence-social-mobility-and-student-choice>

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 15/01/2016.

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

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

## Public sector equality duty

### Question 1:

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

The proposed Teaching Excellence Framework (TEF) would use metrics, set in context by qualitative judgements made by independent review panels. This qualitative element is crucial for ensuring that metric performance does not incentivise behaviour that undermines the equality agenda. It is also right that the Green Paper proposes that metrics will be broken down and reported by disadvantaged backgrounds and under-represented groups.

We believe the TEF should look beyond teaching alone, as the broader aspects of the learning environment and assessment processes have a direct impact on issues of equality and access. The UK Quality Code for Higher Education chapters on Learning, Teaching and Assessment take into account issues of equality and diversity, providing indicators of good practice for institutions, and can support the development and implementation of the TEF.

In QAA's reviews, we have found many examples of good practice in widening access for under-represented groups. Excellent approaches are not the preserve of a few institutions, and we anticipate that the TEF will shine a light on excellent provision and well-aligned student support, however and wherever it is delivered.

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

Yes

No

Not sure

In terms of market entry, BIS could consider ways of incentivising new provision and the development towards degree awarding powers in 'cold spots', where particular groups or subjects are under-served.

## Teaching Excellence Framework (TEF) (Part A: Chapters 1-3)

**Question 2: How can information from the TEF be used to better inform student and employer decision making? Please quantify these benefits as far as you can.**

### Students

In developing our response, QAA has received advice from our Student Advisory Board (SAB), a sub-committee of our Board of Directors which includes students, recent graduates and student reviewers - and facilitated two workshops on the Green Paper with SAB members and BIS officials. Advice from the SAB included:

- There is no single measure that students use when making their choices. Information that would help with those choices includes:
  - feedback from current students and recent graduates on their courses
  - class sizes
  - evidence of 'real world' experience of tutors and lecturers.
- High quality courses can take many forms and the TEF should be flexible enough to identify quality in different places.
- Students can see the links between effective teaching and both their own development as independent learners and their development of skills that make them employable graduates. They are also aware of the challenges of measuring these using metrics alone.

A study<sup>1</sup> published in 2012 by the Higher Education Academy (HEA) and National Union of Students (NUS) suggested that students give greater weight to information from familiar and authoritative sources. The SAB's view was also that TEF outcomes should be communicated simply via a portal like Unistats and within a timescale that correlates to when students are researching their options. Presenting too much information could impede decision making, therefore TEF judgements and published outcomes will need to be concise, meaningful and understandable by all.

Students will value information on specific subjects and the standard of teaching, and research has shown these are information priorities for many students in their decision making. In this sense, the TEF's future development to discipline/subject-level assessment will be particularly useful. It is proposed that the TEF is a badge of excellence and we assume it will be widely promoted, thereby also reaching other stakeholders who we know play a role in student decision making.

### Employers

Employers may use information on TEF awards as an assurance that job applicants, particularly those who have graduated from institutions with which the employer is less familiar, have experienced excellent teaching, learning and assessment. This will have added value when TEF incorporates discipline/subject-level assessments.

Like students, employers are a heterogeneous group. Some employers will need graduates with specific skills relevant to certain professions. However, emerging findings from research commissioned by QAA from the University of Warwick and IFF Research, also suggests some commonality in the value that employers place on certain transferable graduate skills. These relate to communication, teamwork, leadership, and working on one's own initiative. These are important skills, but may be challenging for the TEF to assess.

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<sup>1</sup> [www.heacademy.ac.uk/behavioural-approaches-understanding-student-choice](http://www.heacademy.ac.uk/behavioural-approaches-understanding-student-choice)



Research and market testing with students and employers on this question may be beneficial.

### **Signalling quality and excellence**

Institutions that have been successful in a QAA review can display a QAA 'Quality Mark' or 'Review Graphic'.<sup>2</sup> This is a voluntary arrangement taken up by the majority of providers, but we believe it should be adopted by all. As TEF level 1 will be determined by successful QAA review, the display of the appropriate mark should become a requirement on websites and prospectuses, as a clear signal of quality on which students can rely.

QAA knows that more needs to be done to signal to students that published judgements are available. We have made significant progress through social media and with a campaign to promote quality assurance outcomes in local media, with 538 mentions of reports in local press in 2014-15. We recognise that our voluntary application of public sector restrictions on advertising and marketing should not have been applied to student awareness of quality.

### **Question 3: Do you agree that the ambition for TEF should be that it is open to all HE providers, all disciplines, all modes of delivery and all levels?**

**Yes**                       **No**                       **Not sure**

Yes, QAA supports this ambition. The TEF should be open to all providers who can demonstrate excellence, all disciplines, modes of delivery and levels.

In 2013-14, over 600,000 students studied for UK degrees delivered overseas. We believe there is a case for the TEF to incorporate transnational education (TNE), to allow for broader international recognition and possible reputational gain. If it is not, there is a potential risk that UK provision delivered overseas could be perceived as being of a lower quality than that delivered domestically, when this is not the case. QAA's TNE reviews have identified examples of good practice for many providers. In the last year, our international work included reviews of Greece and Cyprus, and we published outcomes from our TNE review in the Caribbean. Given this international experience, QAA can offer BIS advice on how TNE may be incorporated into the framework.

TEF assessments will need to acknowledge the diversity of the sector with appropriate levels of contextualisation, and assessments informed by provider type, mission, modes of delivery, and levels of awards offered. As the Green Paper acknowledges, excellence will take many different forms across different providers.

We recognise that, in its early stages, there will be some challenges around TEF metrics and evidence for certain provider types, for example, alternative providers or those offering 'non-standard' provision. We therefore welcome the Green Paper's recognition that the TEF will evolve over time; for example, to take account of continuing developments in the collection of meaningful data.

The TEF's evolution will also benefit from sector-wide analysis of trends, highlighting exemplary practice and allowing diverse providers to learn from each other, ultimately to benefit the widest possible range of students.

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<sup>2</sup> [www.qaa.ac.uk/reviews-and-reports/how-we-review-higher-education](http://www.qaa.ac.uk/reviews-and-reports/how-we-review-higher-education)

**Question 4: Where relevant, should an approved Access Agreement be a pre-requisite for a TEF award? What other mechanism might be used for different types of providers?**

Yes, QAA agrees that an approved Access Agreement should be a pre-requisite for a TEF award. We fully support the government's commitment to increasing access and the achievement of students from disadvantaged backgrounds and under-represented groups. Provider engagement with this agenda should, therefore, be used when determining TEF awards.

Using approved Access Agreements also reflects the principle that the TEF should, wherever possible, use existing rather than new evidence and mechanisms.

In the interests of fairness for students, we believe that all providers charging more than £6,000, even where the student loan is limited to £6,000, should have an Access Agreement with OFFA in place.

**Mechanisms for different types of provider**

If the TEF is to be inclusive, those providers which are not required to have an approved Access Agreement should not be barred from TEF eligibility. These providers could include a commentary in their TEF application on their approach to widening participation and how the impact of this approach is reflected in the common metrics, differentiated by disadvantaged groups.

**Question 5: Do you agree with the proposals on:**

**a) What would constitute a 'successful' QA review?**

**Yes**                       **No**                               **Not sure**

QAA reviews and reports contain legally sound, academic peer judgements on how providers set and maintain academic standards, and provide learning opportunities, information for students and quality enhancement. They offer a credible baseline for the TEF. QAA is also an internationally recognised body, through its membership of the European Association for Quality Assurance in Higher Education (ENQA), the International Network for Quality Assurance Agencies in Higher Education (INQAAHE) and its listing on the European Quality Assurance Register (EQAR).

QAA therefore agrees that eligibility for assessment at the higher TEF levels should be dependent on successful outcomes in a QAA review. This would be classed as a 'TEF level 1 award'. Many of the published review reports also highlight features of good practice beyond the baseline, which providers could offer as evidence in their TEF application.

The Green Paper's proposed eligibility criteria, using the most recent and successful QAA review, will require careful clarification to account for institutions that still have published judgements pre-dating the current Higher Education Review method. QAA is working with BIS to ensure that providers are not disadvantaged in this regard.

We agree that providers with published, upheld concerns investigations should not be eligible for TEF level 1 until their action plan has been completed and signed off by QAA. We also agree that providers which are currently subject to HEFCE's Unsatisfactory Quality Policy should not be eligible.

In terms of Independent Schools Inspectorate (ISI) reviews constituting eligibility in year one, work will be needed to establish levels of comparability and identify whether ISI's framework can serve TEF purposes.

Consideration will also need to be given to what will constitute a publicly credible TEF level 1 in the future, once it is clear what the reformed quality assurance system will look like.

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

**Yes**             **No**             **Not sure**

We understand that the proposed incentives for alternative providers (with specific course designation or DAPs) would be an equivalent uplift to the fee loan cap, if they are delivering a majority of designated higher education provision at level 6. Those without DAPs may benefit from an increase in their student numbers.

The incentives proposed are fair, and in line with those offered to universities and colleges providing higher education. It will be important to ensure that, where providers are offered the opportunity to raise their fees, they are subject to the same access and other requirements as the publicly-funded sector.

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

**Yes**             **No**             **Not sure**

QAA supports the proposed move to differentiated levels of TEF in its second phase (levels 2 to 4). This could be done in a staged process, for example no more than two additional levels in year two, with potentially a further level (i.e. level four) added after that. This would allow criteria to be refined over time, with engagement from the sector in the development. Gradual introduction will give time to assess provider and student behaviours, and allow the TEF process to respond to them if required.

It would also provide more time to develop data capabilities for those providers who are currently disadvantaged in this area, either because they have only just started submitting data to HESA or because the data itself is not as comprehensive.

The detail of what levels 2 and above might include, will be explored further through the technical consultation and QAA is working with BIS to contribute to that discussion.

Beyond the technical consultation, ongoing collaboration as the levels are defined will mean TEF benefits from experience across a diverse sector, while the sector in turn will have a greater sense of ownership in TEF's design and outcomes.

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

**Timing?**

**Yes**             **No**             **Not sure**

**Assessment panels?**

**Yes**             **No**             **Not sure**

## And process?

Yes

No

Not sure

Yes, QAA supports the proposed approach, which aims to be progressive and streamlined, yet robust and independent.

### Timing

Five-year awards would be timely and relevant without imposing a heavy demand on providers. Three-year awards could be more relevant for prospective students, employers and the public, but would inevitably require increased cost and resource from both the provider and assessing body. On balance, QAA supports five-year awards, with appropriate mechanisms to flag up any issues; for example, through a reformed 'right touch'<sup>3</sup> quality assurance system.

We believe the voluntary nature of the TEF would be best served through defined annual TEF application windows, rather than all providers reviewed at the same time in a single window (as happens with the Research Excellence Framework). Providers could then enter the process when they are ready or apply for reassessment at a higher level. It would also be easier to manage, and should ideally correspond to a convenient period in the academic year and complete in time for students researching their options.

### Reassessment

We agree that reassessment should be triggered by providers seeking a higher level of award, by concerns raised about a provider's continued commitment to teaching excellence, or by material changes. In this context, the criteria for triggering reassessment should be set sufficiently high so that reassessment is not triggered unnecessarily, but student, employer and public interests are still protected.

### Assessment panels

We agree that the assessments should be conducted by independent experts, including academic peers, students and potentially industry representatives. Independent expertise will ensure that the TEF is credible to the public and trusted by the sector.

The involvement of employers, PSRBs and other industry representatives will become increasingly important as the TEF starts to operate at a discipline level. They will bring a vital external perspective, though they will also need sufficient training to undertake the role. Similarly, the use of international experts could bring many benefits, such as different perspectives and experience. Careful consideration will be needed on panel selection to ensure that panels are credible and have authority, representing an appropriate and relevant balance of expertise.

### Process

The panels will have clear criteria against which to make their judgements, grouped under three key aspects proposed in the Green Paper. We believe that further discussion is necessary about whether judgements should be made (and/or published) against each of the proposed aspects, or whether there should be one overall award for teaching excellence. We lean towards the latter, which enables panels to use their discretion in weighting aspects according to the provider's context. Multiple judgements could create a full quality review process, with the potential for assessment against each criterion to become a 'tick box' exercise.

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<sup>3</sup> A 'right touch' approach directs resources and scrutiny where they are most needed, with different approaches for different providers. See our response to question 19 for a more detailed description of the 'right touch' approach.

To ensure consistency of judgements across panels, a moderation process could be included, using experts and student representatives. If there are appeals, these should focus on procedural challenges rather than academic judgements.

We note that TEF assessment may include a visit to the provider. Our experience shows that some providers may welcome the opportunity to engage directly with assessors and put their case. However, for reasons of time, cost and practicality, this could be achieved through virtual rather than physical visits, using communication technology. The technical consultation will provide the opportunity to clarify this and other aspects of the assessment process further, and QAA is collaborating with BIS and working group colleagues on its development.

**Question 7: How can we minimise any administrative burdens on institutions? Please provide any evidence relating to the potential administrative costs and benefits to institutions of the proposals set out in this document.**

QAA agrees that the TEF should seek to minimise burden. We suggest the following ways in which this could be achieved:

- TEF awards should be maintained at a frequency that maximises ease of application and re-assessment, and minimises complexity.
- Wherever possible, as the Green Paper proposes, the same metrics and evaluative data should be used for both quality assurance and TEF purposes.
- Development of assessment criteria should take into account the evidence that is likely to already exist, as a result of providers' day-to-day management of teaching and learning.
- There should be clear guidance on the volume and nature of evidence to be submitted, to discourage 'gold plating'. Transparent assessment criteria will allow providers to identify readily how they can demonstrate teaching excellence.
- Providers should not need to create evidence for the purpose of TEF assessment and should have the flexibility to submit evidence in its existing format; this will allow for innovation in demonstrating teaching excellence.
- The process should make the best use of available technology, with providers not required to submit paperwork. Instead, providers should have access to an easy-to-use electronic portal.
- Data held by sector organisations such as QAA, HEFCE, HESA and HEA should be supplied by these organisations to the electronic portal. Providers should not have to supply data themselves if it has already been collected, but could certainly comment on this data when making their case.

**TEF integration with quality assurance**

Efficiencies will be achieved by effectively integrating the TEF with any reformed quality assurance system. QAA firmly believes that it is possible to deliver a single, integrated system that will provide the quality reform the sector desires, satisfy Home Office requirements and protect the international reputation of UK higher education.

QAA shares the aspirations of the funding bodies' Quality Assessment Review and, in our response to both its consultations, we proposed a new risk-based process that used intelligent monitoring of provider data to inform the nature of engagement with QAA.

Our ideas include a less formulaic approach to peer review, tailored to the provider based on what the data shows and what the provider tells us. We describe this as a 'right touch' approach that could readily incorporate TEF assessment. This integrated model would use building blocks that already exist, such as the Expectations in the UK Quality Code that deal with Teaching, Learning and Assessment; established and proven peer review processes; and data collected by HESA and benchmarked by HEFCE. We will share our ideas with colleagues in BIS and HEFCE, as the new quality system is designed.

TEF will require an external assessment process that remains robust and credible, and integration would be more straightforward with an external quality review process to ensure cohesion, reliability and comparability across the sector. Implemented carefully and appropriately, we believe our proposals could achieve reduction of administrative costs across the sector.

**Question 8: Do you agree with the proposed approach to differentiation and award as TEF develops over time?**

**Yes**                       **No**                               **Not sure**

The approach outlined seems both achievable and proportionate. That is:

- an award scale of three or four levels to differentiate institutions
- the first point on the scale (level 1) is a current successful QAA review
- assessments at discipline/subject-level as soon as possible
- results published on the regulator's register and relevant websites.

QAA agrees that a successful published QAA review, delivered independently and covering sufficient aspects of the student academic experience, would serve as a robust foundation for TEF level 1. Any reform to quality arrangements must, therefore, include mechanisms that will continue to assure the baseline and allow provision falling below the TEF level 1 threshold to be identified.

We also agree that, in time, discipline/subject-level scrutiny should be introduced, to result in a specific award at that level as well as the overall institutional award, and offering precision in terms of student choice.

QAA believes it is possible, and preferable, to design the initial round of TEF with the discipline/subject-level element in mind, evolving as an extension of the institutional assessment. For providers particularly, it is important to avoid a full system redesign in the future. This could be achieved, for example, by including some form of subject-level scrutiny within initial TEF assessments (for example, inviting discipline-level case studies to support the case for excellence). It would enable panels to look from the outset at the interplay between institution-level and subject-level excellence, and to collect valuable intelligence for developing the discipline/subject-based assessment framework.

**Question 9: Do you agree with the proposed approach to incentives for the different types of provider?**

**Yes**                               **No**                               **Not sure**

QAA believes judgements around quality should be made independently of decisions about funding, and that it is for others to decide on fee increases. We do not, therefore, offer a view here on the proposed approach to incentives. Our interest as a quality body would be where quality suffers because of a lack of funding, but we recognise this is not the question under consideration.

It is worthwhile, however, to recognise the other TEF incentives not linked to fees, including the potentially significant reputational advantages for providers that gain TEF recognition, which could lead to greater income and student numbers. Additional options could include a lighter touch regulatory regime for successful providers.

**Question 10: Do you agree with the focus on teaching quality, learning environment, student outcomes and learning gain?**

Yes                       No                       Not sure

QAA supports the proposed focus on teaching quality, learning environment and student outcomes. Based on international experience, it may be premature to expect that sufficiently robust and reliable measures of learning gain can be developed in the immediate future. A 2014 pilot in Ontario<sup>4</sup> found that, despite significant institutional efforts, participation rates were low which impeded detailed analysis. Further work is being undertaken internationally (for example, in Brazil) and, in this respect, HEFCE's learning gain pilots will be important in determining future TEF development.

As the Green Paper acknowledges, TEF assessments should take into account the complexity and breadth of dimensions that may contribute to an outcome which is recognised as 'excellent'. We agree that assessments should be made against a single framework, so that outcomes are comparable and easily understood by students and other stakeholders. The proposed aspects will facilitate this, offering a broad framework within which diverse forms of excellence may be demonstrated.

It would be sensible, given the proposals for TEF level 1 to be based on current QAA review, for the criteria within each of the key aspects to build upon the baseline standards for learning, teaching and assessment that are already contained within the UK Quality Code. Not only will this provide a recognisable foundation for the sector (which co-created the Quality Code), but it also offers a UK-wide platform should devolved nations wish to adopt the TEF later. There would need to be caution, however, that the indicators in the Quality Code did not become a TEF checklist.

The BIS technical consultation following this Green Paper will give the sector and student representatives an opportunity to provide expert views on what they believe enables students to achieve their personal, academic and professional potential in a full range of educational settings.

**Question 11: Do you agree with the proposed approach to the evidence used to make TEF assessments - common metrics derived from the national databases supported by evidence from the provider?**

Yes                       No                       Not sure

It is vital that currently available metrics are appropriately benchmarked and supported by evidence, to take account of the contextual circumstances of different providers.

Public debate has focused on the proposed metrics: QAA supports the intelligent use of metrics, importantly combined with expert assessment panels who can also consider context (including students' views) when reaching decisions. We welcome the acknowledgement that the proposed metrics are proxies rather than direct measures of teaching excellence, which underlines the importance of context provided through assessment panels. We also

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<sup>4</sup> [www.heqco.ca/SiteCollectionDocuments/CLA-ENG.pdf](http://www.heqco.ca/SiteCollectionDocuments/CLA-ENG.pdf)

agree that intelligent use of metrics, alongside other evidence, is the best way to achieve TEF policy outcomes and maximise benefits for the sector and students.

We endorse the principles for selecting metrics - that they should be valid, robust, comprehensive, credible and current - and agree that not all metrics available at present fulfil these criteria, particularly in terms of their availability for all providers or suitability for all types of provision. We therefore agree that new metrics should be incorporated as they become available in sufficiently robust form.

Where possible, development of metrics should take into account how the data will be used to inform future TEF assessment, recognising the limitations of using current metrics for purposes which they were not originally designed. For this reason, we would suggest that particular caution is placed on data from the Destination of Leavers from Higher Education surveys, as employment outcomes are dependent on many factors beyond the quality of teaching that students receive. We welcome the extensive but careful approach to piloting measures of learning gain that has been commissioned by HEFCE.

### **Additional evidence**

Given the limitations of the metrics mentioned above, the proposal to balance metrics with brief information from providers is sound. Providers should have the opportunity to explain the context in which they demonstrate excellence and to be assessed by their peers. This recognises that the unique context in which each provider operates cannot be adequately captured and compared using the same measures. It also acknowledges that student outcomes can be based on a variety of factors not related to the 'inputs' or teaching that students receive.

QAA's experience delivering quality reviews (330 reviews in 2015 alone) tells us that provider's narratives should be supported by relevant, but limited, evidence.

### **Grade Point Average (GPA)**

QAA continues to participate in the ongoing work being led by HEA on GPA. If there is to be a widespread adoption of GPA, it would be ideal if providers could reach consensus on an approach to GPA that avoids duplication or confusion, or simply replicates misconceptions about the current degree classification system.

While Australia, Canada and the USA are often cited as using GPA, there is no single national system in any of these countries. In the USA and Canada, degrees awarded by different institutions are less comparable than the UK, because they are not supported by a common framework such as the UK Quality Code, Subject Benchmark Statements and the Frameworks for Higher Education Qualifications of UK Degree-Awarding Bodies.

The approach should, therefore, be based on a full understanding of the implications for different providers, their students and other stakeholders. Students and employers should also be fully involved in discussions about how the GPA system will work.



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

### Question 12:

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

**Yes**                       **No**                       **Not sure**

QAA fully supports the government's ambitious targets on widening access and believes that the proposals outlined will help in achieving those targets.

We support the continued role of the Director of Fair Access and it will be important that the Director continues to make independent decisions.

TEF should recognise those higher education providers demonstrating good practice in outreach, recruitment and support of students from under-represented groups. It will, however, be important to ensure that metric use does not harm the government's social mobility agenda in unintended ways, such as providers targeting and recruiting those students who will deliver the best TEF outcome.

We support in principle the proposal for 'name-blind' admissions to help protect against the risk of latent discrimination in admissions. The UK Quality Code has a chapter on recruitment, selection and admission to higher education. It is based on the five 'Schwartz' principles of fair admissions,<sup>5</sup> the most significant of which is 'transparency'. Name-blind admissions would be an expression of this principle.

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

**Yes**                       **No**                       **Not sure**

QAA believes that targets should be determined by providers, based on their mission and context, with the Director of Fair Access having the power to approve access agreements. This respects provider autonomy, while enabling the Director of Fair Access to hold providers accountable for owning and meeting the targets they themselves have set.

If providers consistently fail to meet their own targets, then we can see the merits of a reserve power for the Director of Fair Access to intervene, as a measure of last resort.

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

QAA regulates the Access to Higher Education Diploma, which prepares adults in England, Wales and Northern Ireland without traditional qualifications to enter higher education.

The Access to Higher Education scheme plays a significant role in widening participation from under-represented groups and promoting lifelong learning. In 2013-14, over 23,000 students entered higher education with an Access Diploma - up 20% on the previous year. 22% of those participants were from low participation areas for higher education and the majority were over 25 years old.

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<sup>5</sup> [www.spa.ac.uk/information/fairadmissions/schwartzreportreview](http://www.spa.ac.uk/information/fairadmissions/schwartzreportreview)

QAA licenses and reviews agencies that validate Access to Higher Education courses and award Diplomas. We have a sector and government remit for this work: successful QAA review and recognition is required for courses to be eligible for public funding.

QAA has successfully worked with UCAS to include the Access to Higher Education Diploma in the new UCAS Tariff. This is a significant step forward in helping the Diploma achieve widespread recognition by admissions offices. Inclusion in the Tariff also assists with the employability of graduates who progress to higher education through the Diploma route, as many employers use UCAS Tariff points to screen applicants. The government and the sector could consider ways in which to build on the success of the Access to Higher Education recognition scheme, to further develop, promote and support the Diploma as a mainstream pathway to higher education for mature students. QAA would be interested in facilitating and contributing to these discussions.

The government should be aware that the funding for QAA's work on the Access to HE Diploma is at risk, due to the proposed changes to the current quality assurance contractual arrangements.

**Question 13:**

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

Accurate, robust and comparable data are key to improving institutional performance in many areas, including access for disadvantaged groups. At a national level, relevant holistic data will support effective research and policymaking. At provider level, reliable data will provide an evidence base to support ongoing evaluation, benchmarking and improvement of access strategies across diverse student populations.

A significant amount of data is already available, although there are gaps and some data is not disaggregated or shared to fully support the access agenda. We endorse, therefore, any proposals that improve data collection and sharing to support these aims, including the work of the Higher Education Data and Information Improvement Programme (HEDIIP).

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

Any additional administrative burden will depend on the data to be made available and burden may not fall uniformly. Difficulties could arise for newer or smaller providers, which are less likely to have the systems and infrastructure in place to supply data that providers with proven track records may already collect and use.

We would, therefore, endorse suggestions to use data and other evidence that is already available, or can be provided with relative ease to serve multiple purposes; for example, data collected in support of access agreements and for the proposed TEF assessments.

QAA will continue to work with the government and partners to ensure that new systems and processes are streamlined, cohesive and do not disadvantage particular providers.

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

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

**Yes**       **No**       **Not sure**

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

QAA agrees in principle with the proposed single entry route into higher education. Specifically, we support:

- a single application process that avoids duplicating processes wherever possible
- a level playing field for different types of provider
- a minimum threshold that all providers must meet if they wish to enter the higher education system
- a proportionate and risk-based system of monitoring and support.

### **Minimum threshold**

We support the proposed minimum threshold (model 1) that all providers must meet if they wish to enter the higher education system (that is, baseline quality and financial sustainability checks). We believe, however, that within a proportionate system and to align with Tier 4 requirements which are more stringent, some providers may need regular monitoring and more robust quality checks, throughout their probationary period.

### **A level playing field**

The Green Paper suggests that those providers not seeking course designation or a Tier 4 licence could continue operating outside the formal higher education system, as they do currently (page 45, paragraph 8). In the interests of protecting students, we believe that *all* higher education providers operating in the field should enter the system through the single route. They should also be on the regulator's register of providers. By this, we mean all providers offering provision on the Frameworks for Higher Education Qualifications of UK Degree-Awarding Bodies (FHEQ), and those offering provision at level 4 or above on what was the Qualifications and Credit Framework (QCF) or relevant levels on the new Regulated Qualifications Framework.

Model 1 could, therefore, apply to providers that do not wish to maintain a Tier 4 licence nor seek designation, but still wish to operate in the market. This is important, because such providers typically offer Ofqual-regulated qualifications and may have 'progression agreements' with universities. For example, a provider may be offering a business and management course, and have a progression agreement with a university to allow graduates to progress to an MBA with advanced standing.

We agree that models 2a and 2b are viable for designation purposes, although in light of the emphasis on social mobility elsewhere in the Green Paper, it seems appropriate that access agreements should apply to both these models.

Our views on the proposed entry route for degree awarding powers are set out in question 15 below.

### **Potential cost of entry**

In terms of changes to the potential cost of quality assurance for market entry:

- Model 1 - a provider new to the market, with no track record, would need to demonstrate financial sustainability similar to the requirements set out in the current Financial Sustainability, Management and Governance (FSMG) checks, and therefore it would be similar in terms of fees. Providers choosing this route would also need some form of quality check, to ensure appropriate academic governance and quality assurance arrangements are in place. Any quality assurance for model 1 would need to reflect the fact that the provider may not be accessing public subsidy in the form of loans, so would need to be cost-effective while commanding public confidence. A reformed quality assurance model would also need to be capable of adapting to the provider's ambitions, whether those were related to access to the higher education system, public subsidy, or TEF incentives.
- Model 2a - providers taking this route would be subject to the same FSMG arrangements. New scrutiny arrangements could cost less than at present, if a more proportionate quality assurance model were adopted.
- Model 2b - in quality assurance terms, the costs would be the same as in model 2a, with additional work (for example, access agreements) undertaken by the Office for Students.

### **Question 15:**

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

Yes       No       Not sure

We welcome the Green Paper's proposals to introduce a single route for market entry. Indeed, QAA, through its Advisory Committee on Degree Awarding Powers (ACDAP), has already begun work towards a common approach for all applicants for degree awarding powers, streamlining the processes by which new providers enter the higher education market and gain degree awarding powers. We broadly support the proposed risk-based approach, and also suggest further ways to offer greater flexibility to providers and safeguard students.

Future adaptations of the DAPs and university title process must continue to protect the sector's hard won reputation for quality, reinforce the value of degrees, and safeguard the student and wider public interest. We welcome the commitments expressed in the Green Paper to protect students and would emphasise the importance of ensuring that they do not bear a disproportionate share of risk.

The Green Paper suggests the adoption of an *ex ante* system based on anticipated or predicted performance rather than on results. We believe there should be provision to stipulate that conditions be met and to monitor performance in the interests of minimising risks to students and UK higher education. This will be particularly important with providers newer to DAPs or university title. QAA has extensive experience in providing oversight across the diversity of provision and is therefore well placed to inform the further development of a robust, yet risk-based approach.

In the last 10 years, QAA's ACDAP has assessed 108 applications for degree awarding powers and university title. Over that time, the Committee has seen an increasingly diverse range of corporate forms and structures, and has worked with providers to seek appropriate assurances based on their particular profiles. Based on our experience, we propose some additional refinements that could strengthen the proposals without unnecessarily impeding applications, and would be happy to work with BIS to develop these further.

### **Financial and organisational sustainability**

In relation to the proposal to require two, rather than three, years of audited accounts, we propose an approach that differentiates between providers, for example:

- **Providers seeking foundation degree awarding powers:** two years of audited accounts *and* a cohort of graduated students from provision at level 5 on the FHEQ (foundation degrees). The provider should have undertaken a critical evaluation of that cohort as part of its application preparations. This would enable providers to better assess the completion rates and progression of students, which are key elements of the new TEF.
- **In cases where the provider has a track record of under two years delivering higher education, but has been in existence for longer:** three years of accounts should be required in the interests of addressing financial sustainability and student protection concerns.
- **In the case of a provider that is part of a larger group:** consideration should be given to group financial health, with appropriate financial and governance guarantees from the group put in place.

We believe the single entry route should include consideration of the provider's particular corporate form - which can range from a family-run enterprise to a multinational corporation - and an assessment of its organisational sustainability as a recognised degree awarding body, should that be its goal.

It is also important that any changes in provider ownership are monitored, and do not lead to deterioration in the standards of teaching and awards over time. There are clearly greater consequences for students in the event of provider failure. Moreover, the sector as a whole would not be immune from the reputational damage to the UK brand of any such failure, given the increased reputational risk involved.

### **Managing academic risk**

We support the suggestion that a provider with a 'limited evidence base' meeting model 2 expectations might be able to secure DAPs on a rolling, time-limited basis, with regular monitoring and restrictions as appropriate. This would form a probationary period for those new to DAPs, with the monitoring and restrictions eased over time. In addition to the restrictions proposed in the Green Paper and in line with a risk-based approach, we have the following suggestions:

- Gradually increasing student numbers for providers that have been awarded DAPs as they mature.
- Allowing providers to apply for DAPs at levels commensurate with their organisational maturity, or in specific subjects. In the current system, DAPs are available at three levels but the eligibility requirements are beyond the reach of some providers. For example, taught degree awarding powers (TDAP), which currently cover more than one level of the FHEQ, are a challenging hurdle for providers. QAA has made the case previously for providers to be free to apply for DAPs at

different levels of the FHEQ. That is, levels 5 (foundation degrees), 6 (undergraduate degrees), 7 (master's degrees and other postgraduate awards) and 8 (doctoral degrees). This would enable new providers to develop their provision and capacity to assume increased levels of awarding powers over time.

- Extending eligibility to apply for foundation degree awarding powers (FDAP) to providers beyond further education colleges in England (and Wales), such as National Colleges and new Institutes of Technology, in light of the growing importance of higher vocational education.

### **Track record**

The Green Paper references the possibility of considering the track record of individuals and leaders in any analysis. DAPs have, for some years, been granted to providers on the basis of sustainable strength and depth in academic leadership and support arrangements, underpinning the quality of the higher education student experience. In our view, responsibilities for DAPs should be shared by an academic community with collective responsibility for ensuring that the academic standards of that provider's degrees are equivalent to those awarded by other degree awarding bodies.

Additionally, given the opportunities for growth and financial gain from securing DAPs, there could be an unintended consequence of introducing a 'transfer market' for individuals with relevant expertise, who are used as a means of obtaining DAPs without necessarily remaining once DAPs are achieved.

Alternative measures might serve as better proxies than an individual's track record, for example, professional body accreditation and other forms of regional or national accreditation. QAA's engagement over two decades with professional, statutory and regulatory bodies; employer bodies; and international and TNE activities involving cooperation with counterpart agencies in overseas jurisdictions, would enable us to assist in assessing track record for new types of providers (for example, overseas universities, professional organisations), as well as for traditional bodies.

### **University title**

We agree that university title should be available to a more diverse range of providers. The critical factors in defining suitability for university title should be the nature of the academic community, the environment for research and scholarship, and the confidence in the provider's ability to assure its own academic standards. In that sense, student numbers may be perceived as an arbitrary criterion. A specialist university focused on a particular subject area may also have an acceptably smaller number of students than a larger university. However, the government should be mindful of reducing the student number requirement to a figure so low that the provider is not perceived to be a credible academic institution.

There should be a clear understanding about the hallmarks of a university, as distinct from a provider with DAPs. More could be done to publicly express the nature and value of the long-held title of 'university college' and other titles - for example, some providers might wish to title themselves 'polytechnic'. We would be happy to work with BIS and to commission further research to define the nature and value of these titles.

Consideration should also be given to the characteristics associated with university title in England and how these compare with universities in other parts of the UK that choose to adopt different approaches to the development of higher education providers in their jurisdictions. We also recommend reviewing international perceptions of what constitutes a university, to ensure that there are no risks of an English university title being considered an easy asset to acquire.

## **Safeguarding standards**

The Green Paper proposes that, in certain exceptional circumstances, degree awarding powers could be taken away from any provider, including from those who have them in perpetuity. QAA supports this in principle, with caveats that any removal must be preceded by a robust independent process.

## **Costs**

Applicants for DAPs currently pay the full cost of the assessment process. The infrastructure costs to maintain the DAPs function are currently funded by subscriptions to QAA from universities and colleges, and through contracts with the funding bodies which end in July 2016. Government should be aware that QAA's funding and capacity to manage DAP assessment is at risk.

## **Role of the Privy Council**

We agree that the involvement of the Privy Council in DAPs should be reviewed to establish whether it should continue. While the Privy Council's contribution removes political partisanship from decision making, it also adds to the duration of the process. If it did not have a role, there would be a need to clarify where responsibility ultimately resides for the grant of DAPs, university title or university college title (if the latter is continued).

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

We are aware of criticisms that the current system of validation can lead to anti-competitive behaviour, and we understand the principles behind the proposals. We also see instances where potential validators, in responsibly exercising their DAPs and protecting their reputation, choose not to undertake or complete validation. Further discussion through the Green Paper of possible ways forward is therefore helpful and timely.

We note, however, that a provider's association with a validating body which takes responsibility for students can sometimes provide a safety net for those students, in the event of provider failure.

We believe the Office for Students should not take on the validation role. There could be a significant risk if the new regulator is promoting government policy in terms of opening up the market, while at the same time directly influencing who is in that market.

There is precedent for an independent national validating body. The former Council for National Academic Awards (CNAA) played a key role in enabling former polytechnic institutions to become universities. QAA could provide validation services alongside quality support, aimed particularly at new providers. This could be set up quickly, drawing on existing expertise and procedures, perhaps in partnership with the Open University Validation Service (OUVS) which inherited the validation functions of the CNAA.

QAA could assume an additional and new role in the accreditation of non-degree awarding bodies. QAA's existing structures would be reformed to ensure no conflict of interest between its accreditation, validation and quality assurance functions. This new role would enable QAA to support providers - as CNAA did with former polytechnics - on their route to full degree awarding powers.

We would have concerns about the acquisition of degree awarding powers by professional, statutory and regulatory bodies (PSRBs), as this may simply risk shifting the issues in relation to anti-competitive behaviour elsewhere and become a disincentive for those bodies to accredit the courses of other providers.

**Question 16: Do you agree with the proposed immediate actions intended to speed up entry?**

**Yes**

**No**

**Not sure**

We agree that the proposed actions in the Green Paper are sensible and proportionate ways of speeding up processes, while retaining sufficient checks, balances and assurance.

**Application window**

We support the removal of the application window, enabling a new provider to apply for entry at any time. QAA could hold regular briefings, which providers would attend before they submit a formal application (they are currently briefed after application). This would help to prepare providers fully, which is key to their eventual success, and would speed up the process after application.

**Parallel processes**

A parallel track for quality review and applying for designation at the same time is a positive idea. We would suggest that FSMG, a relatively short process, be undertaken first to prevent unnecessary work and cost if a provider fails the quality assurance checks. This is currently the case for a Tier 4 licence, where QAA undertakes the FSMG check prior to the quality assurance review. It has an added benefit of informing the provider/HEFCE's decisions on whether to proceed with the application for designation.

**Multi-year designation**

We support the introduction of multi-year designation for high quality providers. A track record requirement, perhaps of two years' good performance, may provide the appropriate reassurance. We agree with all the suggested criteria listed at paragraph 36 in the Green Paper.

We agree that a probationary designation period could be introduced for those providers with absolutely no track record. These providers should have a validation agreement with another body in order to provide the necessary public assurance (and due diligence checks).

**Student number controls**

Finally, we also support the proposal for a more flexible approach to student number controls. Absolutely new and untested providers should have a low number limit, but as they start to demonstrate quality those limits could be raised. Greater flexibility and less restraint could also be applied to providers in a validation arrangement, where the validating body provides assurance that it will protect the students should the provider fail.



## Provider exit and student protection (Part B: Chapter 2)

**Question 17: Do you agree with the proposal to introduce a requirement for all providers to have contingency arrangements to support students in the event that their course cannot be completed?**

Yes

No

Not sure

**Please give reasons for your answer, including evidence on the costs and benefits associated with having a contingency plan in place? Please quantify these costs where possible.**

Yes, we believe all providers should have contingency arrangements in place. We agree that the Office for Students could provide temporary assistance to struggling providers in certain circumstances. However, we would suggest consideration be given by the sector to a co-owned sector scheme, perhaps along the lines of that operated in Australia, through which students' interests and those of the sector as a whole are protected in the event of provider failure.

We agree with the principle that failing providers should leave the market. We therefore welcome the Green Paper's statement that, '*The strong focus for Government should be on protecting the interests of the student, and minimising disruption to their studies, when through no fault of their own the provider is unable to fully deliver their course of study*' (page 54, paragraph 5).

The key consideration should be protecting the interests of affected students and minimising the disruption to their studies, particularly as students from protected and disadvantaged groups may suffer disproportionately.

All students should have access to meaningful and worthwhile learning experiences that will equip them well for life, wherever their aspirations and ambitions take them. Such experiences are likely to be offered by providers that are financially, academically and constitutionally secure, and capable of engendering public confidence in the standards of the awards granted to students.

Students who attend a failing or sub-standard institution are often at a critical point in their personal development. For many, a financial settlement cannot provide complete recompense for the loss of direction, confidence and disruption resulting from such an outcome. One of the important properties of a degree is the personal and financial benefit it provides throughout a person's working life. Suddenly finding that a degree is associated with an institution that has publicly failed to meet current standards, or has failed financially, can have a huge detriment on career prospects.

There is also the reputational risk for the sector as a whole, particularly in international markets where English and other UK higher education institutions enjoy a hard earned and easily lost reputation for quality and academic standards. Regular failures or instances of 'special measures' may compromise the ability of English higher education providers to attract international students.

### **Contingency arrangements**

Any protection scheme must provide for alternative places of study to be found as quickly as possible. This will require careful consideration, mindful that the weight of numbers, subjects, geographic locations and delivery models involved could mean that other institutions may not be able to accommodate the students affected.

It is also important that international students are not penalised as a result of course or provider failure, where immigration requirements may impact on their ability to remain for longer in the UK to complete their studies.

QAA works with the sector to facilitate arrangements for transferring academic credit by maintaining the Higher Education Credit Framework for England, and supporting practice in the recognition of prior learning and credit transfer. Both of these mechanisms would provide some support for student transfer.

### **Further suggestions**

In the case of an established degree awarding body exiting the sector, we recommend that there are arrangements to ensure its graduates can continue to prove the validity of their degrees, for example, in case of query by a prospective employer.

To underpin degree value, and to prevent fraud by so called 'degree mills', the Office for Students' register of providers should also include a register of valid degrees they have awarded and in what years.

It should be noted, however, that any scheme to mitigate the risk of provider exit must recognise that there may be a moral hazard in providing a safety net. It may encourage greater risk taking from particular providers, secure in the knowledge that the need to protect students will oblige the responsible agency to provide support beyond that which a normal commercial enterprise would be able to expect.

## Simplifying the higher education architecture (Part C)

### Question 18:

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

Yes

No

Not sure

QAA agrees with the proposed restructuring of the higher education regulatory architecture for England, including the establishment of a new Office for Students (OfS). We welcome the proposed shift in emphasis of the new OfS to championing the student interest, reflecting the significant financial contribution students make to higher education and the educational mission of providers.

The legal framework for regulating higher education in England must keep pace with the changing environment for higher education provision. For example, the growth in the alternative provider sector has led to three regulatory environments, where HEFCE regulates more 'traditional' providers for whom it has statutory responsibility and provides funding, while BIS and the Home Office each regulate certain alternative providers. This can be confusing for students, the public and providers themselves.

It is, therefore, significant and helpful to bring regulation of the entire sector in England under a single body, such as the OfS.

If the Office for Fair Access is not to remain an independent body in its own right, then careful design would be required to ensure continued independent decision making by the Director of Fair Access within the OfS.

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

Fully

Partially

Not at all

QAA believes the OfS, in reaching regulatory decisions, should rely on advice from external bodies with appropriate expertise. This will ensure the OfS can maintain an agile and focused operation that can adapt to the evolving higher education sector in England.

The reputation of UK higher education is based in part on the confidence that students, the public and the international community have in the sector's regulatory architecture. Certain aspects *must* be independent of government and regulators, in order to command this confidence and to avoid potential conflicts of interest. Relying upon existing expert organisations for advice in reaching regulatory decisions will protect the principles of co-regulation and co-ownership, embodied by QAA and other sector organisations.

The OfS' regulatory functions should be clearly defined. By drawing upon external bodies, the OfS can help reduce the cost of its operations - and the cost of regulation to providers and taxpayers - while avoiding the attendant risks associated with creating new infrastructures and approaches.

Importantly, it will also allow the OfS to connect with aspects of higher education on a UK-wide basis. It is critical to maintain the current UK-wide shared responsibility of the sector for its academic infrastructure, acting collectively through QAA, and for institutional data, through the Higher Education Statistics Agency (HESA). By continuing to deliver these functions through organisations with a UK remit, comparability across the four UK nations will be maintained, while at the same time tailored to the specific requirements for England.

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

QAA believes that there are key functions that should be carried out independently of the OfS, even if those functions inform the OfS' judgements on individual providers on its register. These include TEF assessment and quality assurance, which should be undertaken by a reformed QAA, as an independent body with statutory authority along similar lines to that of the Office of the Independent Adjudicator (as set out in the Higher Education Act, 2004).

QAA agrees with public statements from the sector - including Universities UK, GuildHE, Million+, the Russell Group and University Alliance, and the cross-party Higher Education Commission - that quality assurance should be separate and independent from funding or direct regulation, to avoid conflicts of interest. The separation of these roles was a specific recommendation in reports on regulation by the Higher Education Commission (HEC) (2013)<sup>6</sup> and Universities UK (2015).<sup>7</sup> The HEC said that: '*QAA...needs independence (not least from funding allocations) for its legitimacy*', and UUK recommended: '*There remain valid reasons for the oversight of academic quality to be performed through a separate body...not least given the importance of co-regulation and co-ownership in this area*'.

When the government of the time endorsed the 1996 report of the Joint Planning Group<sup>8</sup>, it took the view that primary responsibility for assuring academic standards and quality should be placed with institutions acting individually and collectively, via the new Quality Assurance Agency. We believe the case for this is as strong as ever.

#### **The added value of UK-wide functions**

By relying upon UK-wide expert bodies such as QAA, the OfS (with its remit for England) can ensure close and continued connection with UK-wide approaches, reinforcing and protecting the cohesion and reputation of the UK higher education brand.

Furthermore, this would keep the door open to integration of regulatory models and expectations across the UK. For example, if devolved administrations express a future interest in adopting the TEF, this will be much easier to implement when working with expert UK-wide bodies.

We support the proposal for data functions to remain with HESA, and certain enhancement activities and support for learning and teaching to be led by independent experts (HEA). In addition, the role of the UK NARIC (National Recognition Information Centre) could be considered in the design of the new regulatory framework. Its role in gathering information on recognition and comparison of international qualifications and skills on behalf of the UK government is of great value to employers and professional regulators, among others, and could be considered in the context of the new OfS.

In HESA, QAA, HEA and NARIC, we have strong UK-wide bodies. We believe it would be a backwards step to break up the nature of the UK system, and destabilising as the sector continues to grow.

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<sup>6</sup> Higher Education Commission (Oct 2013) Regulating Higher Education, page 43: [www.policyconnect.org.uk/hec/sites/site\\_hec/files/report/333/fieldreportdownload/hecommission-regulatinghighereducation.pdf](http://www.policyconnect.org.uk/hec/sites/site_hec/files/report/333/fieldreportdownload/hecommission-regulatinghighereducation.pdf)

<sup>7</sup> Universities UK (Feb 2015) Quality, equity and sustainability, pages 37-38: [www.universitiesuk.ac.uk/highereducation/Documents/2015/QualityEquitySustainability.pdf](http://www.universitiesuk.ac.uk/highereducation/Documents/2015/QualityEquitySustainability.pdf)

<sup>8</sup> Joint Planning Group for Quality Assurance in Higher Education. Final Report (1996): <http://eric.ed.gov/?id=ED409811>

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

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

Agree       Disagree       Not sure

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

Agree       Disagree       Not sure

QAA's role is to assure quality and standards. In that respect, matters of funding are of concern to us when they affect the quality of provision or the ability of providers to manage that provision. It is for government to determine who distributes taxpayer funding, but we believe that the roles of funder and quality assurance should rest with different bodies.

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

Yes       No       Not sure

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

QAA agrees with the proposed single regulatory framework and with a risk-based regulatory approach, but we do not agree that all regulation should be light touch. Instead, we argue that it should be 'right touch'.

We believe the Green Paper presents an opportunity to bring *all* providers under a common framework, including those not seeking access to student loan funding or recruiting overseas students. This would further the ambitions to establish a level playing field, and protect students and the reputation of English and UK higher education.

We envisage the new 'right touch' approach would direct resources and scrutiny where they are most needed. QAA has a great appetite for this change: our ambition is for the quality assurance system to be less rigid and more proportionate than it is today, a system which makes better use of data and is significantly scaled down for established providers which have earned the greatest levels of autonomy. However, we have found many examples of unacceptable practice, particularly among newer providers, and believe some need greater scrutiny and support.

As QAA, with the support of the sector, has sought to move to a more risk-based approach to quality assurance in recent years, this has been counterbalanced by the need to make more publicly understandable judgements, for example on how providers have met expectations. As a result, quality assurance is centred on a provider's current ability to meet expectations, and does not provide assurance about its ability to maintain quality and standards in the future. In contrast, earlier approaches incorporated assurances about a provider's ability to secure quality and standards both at that time *and* in the future. It is our view that a truly risk-based approach should reintroduce these forward-looking elements and future confidence in providers.

In terms of delivery, we believe the quality assurance elements of the framework described (ensuring providers meet baseline requirements on quality) should be conducted by QAA,

as the independent quality experts with experience across all provider types, but co-owned by the sector. We also advocate a co-regulation approach, using independent peers and students to provide assurance, thereby avoiding any perception of self-regulation.

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

QAA works extensively with students' unions, associations, guilds and representative councils across the UK through our student engagement activities, and also through our review processes. We have seen how students' unions help to engage and involve students in institutional decision making, university and college governance and, crucially, the assurance and enhancement of academic quality and standards. Students and institutions benefit from the participation of students' unions in quality assurance, and this involvement by unions in academic matters is, in itself, a form of accountability of the union to students.

We believe the Education Act 1994 and the Charities Act 2006 together provide sufficient legal protection for the transparency of students' unions.

**Question 21:**

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

Yes                       No                       Not sure

QAA sees clear benefits in establishing a new Office for Students, and supports some of its proposed statutory duties and powers. We endorse the change in regulatory emphasis for the new OfS as an 'arms-length public body with a duty to promote the student interest'. To be publicly credible as an Office *for* Students, however, it will be important that there is an active and meaningful role for students within its governance.

We also welcome the Green Paper's recognition of the benefits of co-regulation, and the UK-wide role that organisations such as QAA and HESA play.

While we support the establishment of the OfS, we have some concerns about the extent of its proposed powers. We could not support the specific proposed duty of the OfS to require providers to meet a baseline level of quality, if that were to involve defining standards.

The UK Quality Code was co-created with the sector and is maintained by QAA, and currently provides the baseline for quality assurance across all UK higher education. It should continue to be reformed and evolve, to meet the needs of the developing and diversifying sector, while continuing to express a shared understanding of what quality and academic standards mean in the UK. Responses to the discussion phase of the review of quality assessment showed that the sector continues to value the Quality Code:

*'The majority of stakeholders agreed that the Quality Code is an important and useful resource for HE providers, as it plays an integral role in upholding the reputation of the sector. Most stakeholders felt that the Quality Code will continue to play an important role within the forthcoming decade'.<sup>9</sup>*

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<sup>9</sup> The future of quality assessment in higher education: Analysis of responses to Phase 1 of the quality assessment review. Report to the Quality Assessment Review Steering Group by MRUK Research (HEFCE, June 2015): [www.hefce.ac.uk/media/HEFCE,2014/Content/Pubs/Independentresearch/2015/The\\_future\\_of\\_QA\\_in\\_HE/2015\\_futuregainhe.pdf](http://www.hefce.ac.uk/media/HEFCE,2014/Content/Pubs/Independentresearch/2015/The_future_of_QA_in_HE/2015_futuregainhe.pdf)

The ongoing development of the UK Quality Code is overseen by an independent external steering group, including representatives from Universities UK, HEFCE and GuildHE, as well as bodies from the other UK nations. QAA is committed to reviewing the role and function of that committee, as part of our ongoing governance review.

In relation to the possible validation role of the new OfS, see our response to question 15b for discussion of alternative approaches for consideration.

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

**Yes**                       **No**                               **Not sure**

A core level of funding will be required to support the infrastructure necessary to deliver the work of the OfS. This could be achieved through a mixed economy of government funding and subscriptions.

The subscription level should be carefully calibrated to ensure it does not place smaller providers at a disadvantage. The level of subscription should also be appropriate to the powers that the OfS will be exercising.

**Question 22:**

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

**Yes**                       **No**                               **Not sure**

The proposed statutory duties and powers of the Secretary of State are largely in line with those for the current system and, in that context, QAA supports the proposals. We also welcome the continued respect for the important principles of provider autonomy and academic freedom of staff.

Illustrative examples would be helpful in terms of what could be included under what the Green Paper refers to as 'additional functions relating to education', which the Secretary of State might confer upon the new OfS in future.

In relation to managing risk, QAA supports the proposed power to enable BIS, or a specified partner organisation, to enter and inspect higher education providers, albeit in limited and specific circumstances, for example where there is evidence of academic, data or financial fraud. We welcome the proposals to define the scope and purpose of the powers within secondary legislation.

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

See response to 22a above, in relation to powers to enter and inspect higher education providers.

**Question 23: Do you agree with the proposed deregulatory measures?**

**Yes**

**No**

**Not sure**

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

The proposals to change the constitutional arrangements governing Higher Education Corporations in order to place them on a more equitable footing with other providers, appear broadly sensible and in keeping with the policy drivers to establish a level playing field.

QAA agrees that protections should be put in place for those affected by the voluntary dissolution of a Higher Education Corporation, including timely advance notification to the regulators involved and publication of proposals. Consideration and protection of the student interest must be of primary importance at all times.

This should also be taken into account regarding changes to Freedom of Information Act requirements, which could be replaced with specific duties to disclose information to regulators, institutional staff or students.



## Reducing complexity and bureaucracy in research funding (Part D)

QAA has no involvement in research funding and therefore has not responded to Part D.

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

The proposals set out in the Green Paper present an opportunity to achieve significant reform. In early 1997, the government endorsed the report of the Joint Planning Group, which was designed to bring an end to the dual system of quality audit by the Higher Education Quality Council (HEQC) and quality assessment by HEFCE and the other UK funding bodies. In her letter endorsing the creation of the new Quality Assurance Agency, the Secretary of State, Rt. Hon Gillian Shephard MP, supported by Rt. Hon William Hague MP and Sir Patrick Mayhew MP, and later endorsed by Rt. Hon Michael Forsyth MP, stated:

*'...the issue of standards and qualifications in higher education is of considerable importance to the Government. I understand that the continuation of work in connection with the specification and assurance of standards, including standards in relation to overseas collaborative activity, will form a key part of the sector's Service Level Agreement with the agency.'*

and:

*'...we believe that the prime responsibility for assuring standards and quality in the sector rests with institutions, acting individually and collectively. However, the government has a responsibility to satisfy itself that the arrangements are operating effectively. We believe, therefore, that there is a need to consider communication mechanisms between the government and the Agency.'*

The Dearing Report (1997) further extended the remit of QAA to develop standards, including a qualifications framework, a Code of Practice and Subject Benchmarks (see chapter 10):

*'The new Quality Assurance Agency would be appropriate, since its primary function is to assure the quality of higher education provision and the standards of its awards.'*  
(10.81)

These arrangements have served the UK well for almost two decades and contribute in no small part to the international reputation of UK higher education. Therefore, while we fully understand and support the need for reform of the quality assurance system, and have offered our ideas on how this can be achieved, we believe this could be best served through the Quality Assurance Agency, bearing in mind the appetite for revision of the way in which QAA processes operate.

The government is a signatory to the European Higher Education Area<sup>10</sup> (Bologna Process) and a member of the European Quality Assurance Register. Before implementing reforms we would advise that the government assures itself, perhaps by seeking advice from the appropriate European authorities, that the reforms proposed will not damage the UK's participation in the Bologna Process.

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<sup>10</sup> [www.ehea.info](http://www.ehea.info)

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