

## **CDBU Response to BIS Consultation on Green Paper “Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice”**

Submitted 14<sup>th</sup> January 2016

### **Cover letter**

The Council for the Defence of British Universities (CDBU) is a broad-based, non-party-political organization set up in 2012 by a group of Britain’s most prominent thinkers, researchers, and writers from across the sciences, humanities, arts, and social sciences. The following response was composed by the academics of the Executive Committee of the CDBU, in consultation with our membership, which currently stands at 689 people.

We undertook this exercise in good faith and with good will since the focus of the Green Paper is on issues close to the heart of our founding values: how to assure the continued high quality of university education in the UK, and how to ensure wide and fair access to higher education. One of our aims as an organization is to provide expert, insider advice on, and responses to, government policy proposals that look to build on the already considerable achievements of UK higher education. What our close analysis of the Green Paper has revealed, regrettably, is that ‘consultation’ is a misnomer, since in its content and wording the document reveals time and again that the recommendations, far from being proposed as possibilities, are assumed by the authors of the Green Paper to be acceptable and to be awaiting implementation.

Equally, if not more worryingly, the quality of the arguments, of the evidence used, and of the presentation of the recommendations, is inadequate. One of the chief policies – the Teaching Excellence Framework (TEF) – is put forward to address putative problems, without providing any evidence that these problems exist. The proposed TEF would be an expensive and bureaucratic system that would entail increasing complexity and disruption for years to come. The use of proxies, such as the NSS or graduate income, for teaching excellence is at odds with the ethos and values of education and scholarship. Both the content and the methodology behind the Green Paper come across as counter to the academic values that lie at the heart of any university worthy of the name. These values include reliance on reason, argument, and evidence; critical and creative thinking; rigorous analysis of data; and precise and meaningful communication. There is no recognition in the Green Paper that the primary purpose of universities is to foster these values; instead, universities are equated with businesses, value is defined purely in economic terms, and students and staff are set up in opposition as consumer and vendor respectively, working to serve conflicting interests (to pay as little as possible for the product purchased and to charge as much as the ‘customer’ will take). This is to misunderstand how universities work; to ignore the fact that unlike profit-driven organizations, the idea – and subsequent success – of our UK universities is rooted in staff and students working not towards a transaction but towards collaboration in the pursuit of understanding, knowledge, and truth.

Our academic values have made UK higher education a global leader and are fundamental to equipping generations of students with the critical abilities and independence of thought that contribute to society in myriad ways. The proposals of the Green Paper threaten the integrity of our higher-education system. The TEF will divert funds, time, energy, and expertise from the mainstays of academic life, namely, teaching and research.

The Green Paper affects only England, yet promises major changes to the higher-education landscape. As an organization that covers all British Universities, we are concerned at the growing divergence in regulation and funding between England and the

rest of Great Britain. This has the potential to make English universities less attractive both to staff and students.

If the government chooses to implement recommendations based on such unsubstantiated premises and so unstable an evidential base, it will not build on the many strengths of UK universities, but will inflict irreversible damage on our successful university system and jeopardize the value of higher education for both the individual and for society as a whole. The financial value of our university system to the UK economy is dependent on maintaining our international reputation for quality: our positional advantage in the global higher-education market is our adherence to the highest academic standards. If academic judgment, integrity, and values are subordinated to an intellectually inadequate bureaucratic exercise then there will be an adverse impact on both reputation and financial benefit. Within such a system the academic community itself will become alienated.

We therefore urge the government in the very strongest of terms to revisit both the premises and the evidence of its Green Paper proposals. Any new proposals should be evidence-based and arrived at after an appropriate period of consultation with experts, including those who conduct teaching and research in our universities. We would be pleased to contribute to a more sustained, in-depth, and rigorous consultation in which academic staff and students from across the sector and across disciplines could work together to explore, creatively and meaningfully, how to sustain and develop the success story that is UK higher education.

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## Responses to the Green Paper consultation

Our responses are organized in the terms of the questions posed, but we have not followed the detailed format of the consultation form; we found this inhibiting, given that many of the questions were poorly posed, or based on premises that we do not accept.

### Public sector equality duty

*Question 1: What are your views on the potential equality impacts of the proposals?*

**Need to consider part-timers.** In the 2011 White Paper by the Department of Business, Innovation, and Skills, 'Students at the Heart of the System',<sup>1</sup> it was noted that part-time study provided an important route for opening up access to higher education (para 5.27). The Green Paper says nothing about part-time students, many of whom come from non-traditional backgrounds. In particular they tend to be older than full-time students, so any measure that disadvantages them is relevant to this question.

In fact, as documented by Prof Clare Callender,<sup>2</sup> since 2010-2011 the number of entrants to part-time undergraduate study in England has fallen by a staggering **55 per cent**. It is clear this was not an intended consequence of changes introduced in 2011, but it has occurred nonetheless. The failure to present any discussion of this trend or proposals to counteract it is of concern, given that age is a protected characteristic.

### 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?*

**Students:** We agree that students need to make well-informed choices, but we do not see the TEF as necessary. The HEPI-HEA 2015 Student Academic Experience Survey<sup>3</sup> notes the kind of information students need. Under consumer law, universities are already required to provide information on course structure and content.<sup>4</sup> Most now have specific information on their websites for key details such as course coverage, student workload, and career destinations. NSS ratings are already publicly available and could be added: these do not give an index of teaching quality and are not very discriminating, but might help students avoid those rare courses that attract more than a small proportion of negative ratings.

**Employers:** Universities could also be encouraged to develop a section of their website in which they describe the kinds of degree they provide, encourage interaction with employers to set up arrangements such as work-experience schemes (recommended by the BIS report), and involve employers in career days.

On such a website, the university could also indicate the extent to which their courses teach generic skills: the ability to think and reason clearly, evaluate arguments, and see the viewpoint of others. These are transferable skills that are valuable in a range of careers

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<sup>1</sup> Department of Business, Innovation and Skills, *Higher Education: Students at the Heart of the System*, 2011.

<sup>2</sup> Claire Callender, 'The Demise of Part-Time Study – Who Cares?'

<http://blogs.bbk.ac.uk/bbkcomments/2015/10/29/the-demise-of-part-time-study-who-cares>. Oct 29th 2015.

<sup>3</sup> Higher Education Policy Institute, '2015 Hapi-Hea Student Academic Experience Survey' (2015).

<sup>4</sup> <https://www.gov.uk/government/news/cma-advises-universities-and-students-on-consumer-law>.

and which we think should be provided in any university education. For instance, it was argued for many years that the best background for a career in the civil service was a classics degree, despite the subject matter having little direct application to contemporary life. This view is supported by the BIS report, which states that graduates are sought by employers 'because of their perceived intellectual ability and ability to learn, and sometimes also as a potential source of fresh ideas' (p. 12).

The approach of providing information via university websites is a low-cost alternative approach to TEF. We suspect it would have a greater chance of success, and would certainly appeal to generations for whom the Web is a primary source of information. It would also minimize administrative burdens.

### **Openness of TEF to all HE providers**

*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?*

Given that we have major concerns about linking TEF to fee-raising powers, and to the introduction of another bureaucratic exercise hard on the heels of the REF, the wording of question 3 is fundamentally problematic, as it presupposes that we find TEF acceptable in the format proposed.

### **Linking Access Agreements to TEF awards**

*Question 4: Where relevant, should an approved Access Agreement be a pre-requisite for a TEF award?*

It is unclear what is intended here. One approach would be to require a minimum proportion of places at all institutions for students from disadvantaged backgrounds and under-represented groups; even more extreme would be to require such a proportion on all courses in all institutions. This would in effect require the introduction of quotas. The Green Paper makes no assessment of the worth or feasibility of such a policy.

Another approach would be to allow variation in the proportion of disadvantaged students from institution to institution. Those who set a high target for access might compensate by requiring lower teaching excellence in other TEF domains. This would, however, worsen the social stratification of universities, which is already a major worry – see the recent report by The Sutton Trust.<sup>5</sup>

There is also a central problem in approved access agreements becoming a TEF pre-requisite. It is hard to see how it would work. If a benefit of improved access is to allow the institution to raise higher fees, then it would be likely to counteract any measures taken by the institution to encourage disadvantaged students. We regularly hear claims that increased fees have not put off students from poorer backgrounds, but these statistics (a) take no account of the fall in part-time or mature students; (b) are based on classification of students by postcode rather than actual family income; and (c) start from a very low baseline. Moreover, it seems likely that that a tipping point will be reached where the level of debt incurred will act as a deterrent (see Q148 in Oral Evidence session on Tues 8th Dec 2015).<sup>6</sup>

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<sup>5</sup> Sutton Trust, 'Evaluating Access' (2015): <http://www.suttontrust.com/researcharchive/evaluating-access/>.

<sup>6</sup> <http://www.parliament.uk/business/committees/committees-a-z/commons-select/business-innovation-and-skills/inquiries/parliament-2015/assessing-quality-in-higher-education/publications/>.

A more effective way to encourage HEIs to improve access for disadvantaged students would be to provide them with government bursaries for such students, at full fee level, and to reverse the recent decision to abolish the maintenance grant.

### **Minimizing the administrative burden**

*Question 7: How can we minimise any administrative burdens on institutions?*

This is a key question, and we are heartened to see that a major goal is to ‘reduce the regulatory burden’ (p. 7). It is hard, however, to see how introduction of a complex new evaluation system could possibly do anything other than increase this burden.

A number of commentators have warned that TEF is a solution to a problem that does not exist; see, e.g., Prof Christopher Newfield.<sup>7</sup> Indeed, as noted in the Green Paper, ‘Higher Education is a national success story’ (p. 8). Student satisfaction ratings are strong, and the conclusion that they show patchy performance depends on torturing the data in an inappropriate analysis.<sup>8</sup> Our student completion rate is the highest in Europe.<sup>9</sup> We should, of course, never be complacent, and the positive overall picture may hide some weaker members. But are the problems really so severe that they merit a major bureaucratic exercise in evaluation that will take years to develop, will embrace all HEIs in the country, and will be hugely costly both financially and in terms of training and set-up? There appears to be no evidence to suggest that this is the case, and claims made in the Green Paper remain unsubstantiated. Most of the system is working to a high standard, and much of it is outstanding. This is the reason why the UK is so popular with overseas students. We have shown that the presentation of evidence in the Green Paper has been highly misleading.<sup>10</sup> Of one thing we can be certain: the proposed TEF will cost money and will take time from academics’ core activities. So why inflict this process on a system that is working well?

If we are to learn one lesson from the REF it is that any evaluation system takes its toll on the institutions involved, particularly if the financial stakes are high, as in this case. As well as the financial costs, there are substantial opportunity costs, especially for academics who are involved in the evaluation process (see, for instance, this account by Dame Athene Donald).<sup>11</sup> Our concern is that there will be endless scope for repeated revolution of systems and a massive waste of public money.

There is no slack in the system, either in administration or among academics. Even in our elite institutions, there is evidence of long working hours, high stress levels and reduced job security.<sup>12</sup> It is hard to see how a new evaluation process can be introduced without either adding to the workload of hard-pressed academics, or increasing the proportion of administrators – and probably both. If new administrators are employed solely to handle the TEF (as happened with REF), then the funds have to come from somewhere, and this will reduce resources for teaching and research staff, who at the same time will be expected to undertake new activities to enhance teaching while maintaining a research programme. Even where you have a professional group whose members love their jobs, if

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<sup>7</sup> <http://wonkhe.com/blogs/are-uk-universities-being-cast-academically-adrift/>.

<sup>8</sup> D. V. M. Bishop, ‘NSS and Teaching Excellence: The Wrong Measure, Wrongly Analysed’, *Times Higher Education blog*, January 4<sup>th</sup> 2016: <https://www.timeshighereducation.com/blog/nss-and-teaching-excellence-wrong-measure-wrongly-analysed>.

<sup>9</sup> <https://www.timeshighereducation.com/cn/news/how-student-completion-rates-vary-across-europe>.

<sup>10</sup> <http://cdbu.org.uk/more-misrepresentation-in-the-green-paper/>; <http://cdbu.org.uk/shaky-foundations-of-the-tef/>.

<sup>11</sup> <http://9thlevel.ie/2013/08/15/why-i-cant-write-anything-funny-about-the-ref>.

<sup>12</sup> [http://www.ucu.org.uk/media/pdf/4/5/HE\\_stress\\_report\\_July\\_2013.pdf](http://www.ucu.org.uk/media/pdf/4/5/HE_stress_report_July_2013.pdf).

you press people hard enough, the best ones will just leave, either to seek employment abroad, or to move into other fields. If an additional administrative burden from TEF were to lead to a mass exodus of English academics, this would be catastrophic for higher education, and would achieve the opposite effect to the declared intention. Academia, just like medicine, does not have an indefinite supply of well-trained and highly motivated individuals who will keep a world-class system going however precariously it is funded.

We therefore suggest that serious consideration must be given to the option of not making the TEF universal, but rather making it a mandatory evaluation for any new provider, and for any provider about which there have been serious concerns over the quality of teaching. One role for the new Office for Students could be to act as an Ombudsman that will handle complaints about teaching quality; this would help identify HEIs with high levels of complaint, which could then be required to undergo an evaluation.

We appreciate that this scaled-down TEF would only be possible if we break the proposed link between fees and TEF outcomes. Since forging that link seems to be a key goal of the present government, we are not optimistic that our view will be considered. Nevertheless, government needs to address the serious logical flaw in its argument: the link between fees and TEF is counterproductive and bound to widen gaps in participation in higher education, having a consequence that will therefore run directly counter to the government's stated aim to improve social mobility.

### **TEF focus on teaching quality, learning environment, student outcomes and learning gain**

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

It is reasonable to assume that a better education will lead to higher student attainment, skills, and knowledge; however, there is no reason to expect income on graduation to be correlated with the quality of education. Some courses may develop students' sense of civic duty and they may be more likely to take lower-paid jobs. It would be bizarre to introduce a system that rates the teaching quality of courses in, for example, social work, lower than those in, for example, finance, simply because students taking the former are on average less well-paid on graduation than those taking the latter.

Neither students nor employers are experts in teaching, so their place on the panel is unwarranted. Subject-specific experts are capable of judging teaching quality, but they would do this by reading student work and pedagogical materials and by attending lectures and seminars; they cannot do this by considering metrics. Universities already operate rigorous systems of quality assurance and it is perverse to make no acknowledgement of these, nor to propose building on these existing systems (QAA, external examining).

It is remarkable that plans for the TEF do not encompass staff satisfaction. There is increasing concern about job insecurity and zero-hours contracts in universities.<sup>13</sup> Good teaching is unlikely to be achieved if the staff delivering the courses are a shifting body of individuals with poor job-satisfaction and no commitment to the institution.

### **TEF use of common metrics supported by evidence from the provider?**

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<sup>13</sup> <http://www.ucu.org.uk/index.cfm?articleid=6749&from=6747&start=11>.

*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?*

Our view is that if a TEF is to be acceptable to the academic community, it must be transparent, evidence-based, and valid. The statements in the Green Paper are either vague or contradictory and lack any evidential support. For example, we are told that 'TEF assessments should be based on criteria that are straightforward and robust' but then that 'judgements about teaching excellence will be made by a panel of independent experts' relying on 'proxy information'. No evidence is provided that this 'proxy information' is correlated with teaching quality. Graduate outcomes are likely to be more correlated with the status of the institution as a whole. No evidence is cited that the quality of teaching on a particular course is correlated with graduate income.

Those writing the Green Paper are clearly aware of concerns about sole reliance on metrics to evaluate teaching quality, which flies in the face of such evidence as there is.<sup>14</sup> Their proposed solution, however, is to incorporate measures such as NSS in a 'set of common metrics', as yet unspecified, alongside 'qualitative and quantitative evidence submitted by the institution', also unspecified. This gives potential for endless reform of the system, as the weighting given to various metrics is debated and continually adjusted. We could end up with an interminable process of tweaking a system that is fundamentally flawed, introduced to fix a system that is basically sound.

Adding together a range of indicators is justified only if the individual indicators themselves have validity. Student satisfaction as measured by surveys is notoriously uncorrelated with teaching quality. There is peer-reviewed, empirical research showing that student satisfaction is higher when students are awarded high grades and find assignments straightforward (see studies in *Economics of Education Review*<sup>15</sup> and *Journal of Political Economy*<sup>16</sup>). There is also evidence that student ratings discriminate against female teachers, which has implications for the public-sector equality duty.<sup>17</sup> No evidence is given in the Green Paper that the recent emphasis on student satisfaction has had any positive impact on teaching quality. Many experts in the sector think the opposite and that lecturers are being deterred from giving low grades by concern that their evaluations by students may negatively affect their careers.<sup>15</sup> This concern can lead, then, to grade inflation.

We must also consider the pressure that the proposed role of the NSS in a TEF would place on the students completing the surveys: in giving their view of the university via the NSS, they are placed in the position of making a judgement that will affect the future value of their own degree. Meanwhile, the linking of TEF and fee levels means that students who give high scores to a university are effectively voting to increase fees for the next cohort. The Green Paper does not consider these subjective and moral aspects of the NSS, which make a mockery of the idea that these metrics are 'clean' or 'objective'.

Intellectual stimulation and students' active engagement with learning are indicative of educational excellence but not measurable by any of the proposed metrics.<sup>14</sup> While students often claim to want more contact hours, this often means they want more assisted

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<sup>14</sup> Graham Gibbs, *Teaching: Chapter 1*, in *Hepi Response to Green Paper*. 2015.

<sup>15</sup> Michela Braga, Marco Paccagnella, and Michele Pellizzari, 'Evaluating Students' Evaluations of Professors', *Economics of Education Review* 41 (2014), 71-88.

<sup>16</sup> Scott E. Carrell and James E. West, 'Does Professor Quality Matter? Evidence from Random Assignment of Students to Professors', *Journal of Political Economy* 118, no. 3 (2010), 409-432.

<sup>17</sup> A. Boring, K. Ottobini and P. B. Stark, 'Student Evaluations of Teaching (Mostly) Do Not Measure Teaching Effectiveness', *ScienceOpen Research* (2016); doi: 10.14293/S2199-1006.1.SOR-EDU.AETBZC.v1.

learning, and less independent learning. Higher contact hours may be inversely correlated with educational excellence in many cases, since independent learning is central to progress and achievement in higher education.

The proposals threaten further to empower administrators and bureaucrats and to encourage the production of documents and procedures at the expense of content. That will take academics away from the teaching and research which is their prerogative and their centre of expertise.

## **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?*

We do, indeed, want to see improved access and success for disadvantaged and minority groups, but the proposals referred to in question 12 are too vague to evaluate. There is plenty of talk of 'taking forward', of 'greater ambitions', of 'progress', of 'innovative and new approaches', yet little to no clarification of what lies beneath these buzzwords. Take point 5 on p. 36: here we read of 183 Access agreements, yet are given no examples as to what these consist of, no comparisons, no specification as to what the measures being taken amount to. How are we to respond to this consultation without such information or illustration?

Section Four amounts to a glib treatment of an infinitely complex issue, typified by the declaration that 'the government wants to do more to continue opening higher education up' (p. 37, point 8). This makes a platitude of an issue that merits considered thought. In no. 13 on p. 37, the vague allusion to 'Research by BIS', without reference, does not allow the reader to judge this analysis. This is all the more to be regretted given that the main source referenced is a report – the National Strategy for Access and Student Success in Higher Education<sup>18</sup> – which is commendable in its efforts to be concrete and precise, and to provide evidence and analysis. The Green Paper authors appear to have borrowed from this OFFA-HEFCE source and yet to have jettisoned key aspects of the report that do not match a market-focused view of higher education. To take an example, the National Strategy on Access document speaks in its Foreword of higher education enriching the lives of individual students both in widening career prospects and in 'enhancing physical and mental wellbeing'; the main document celebrates the contribution higher education makes to society economically, but also notes that it creates 'active, committed citizens' (p. 3). In the Green Paper, this broader view of the value of higher education is narrowed down to the financial ('a good long-term investment', p. 36).

Elsewhere, the lack of profound analysis is apparent in that supporting statistics were taken from press releases rather than from sustained analysis of sources (see p. 37, footnote 27). This kind of superficial engagement is also reflected in point 16, where it becomes clear that the only body of academics to be consulted is the self-appointed group of vice-chancellors who make up Universities UK. Few academics – those actually doing the teaching and the research – would see these individuals as representative. Who will be in the 'social mobility advisory group'? How can we judge the likely worth of such a group if there is no precision as to what it will be or what it will do? What's more, the Green Paper

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<sup>18</sup> <https://www.gov.uk/government/publications/national-strategy-for-access-and-student-success>.

reports that this group is in the process of being set up, yet then we are told that it will report as early as a month (December 2015) after the Green Paper was published.

The one concrete proposal mentioned – name-blind applications – is a fair one, but only if this is matched by other measures. Nor is it a panacea, as the cultural capital apparent in the UCAS personal statement remains a strong indicator of social and cultural background. Far bolder measures, such as the introduction of contextual offers, are not mentioned.

Finally, concern is expressed in the Green Paper over retention rates among students from either BME backgrounds or less-privileged backgrounds. To tackle this we propose that the government consider reinstating the maintenance allowance, and give serious consideration to the possibility that both retention and attainment are affected by the pressures of having to earn one's way while studying. Loans rarely meet the entire cost of both fees and the cost of living, as the National Union of Students has shown.<sup>19</sup> Removing some of these financial obstacles could help attain the government's objective of improving retention rates. These have already been hit by the abolition of the EMA for sixth formers, which helped students from under-privileged backgrounds to fund the essential stage between school and university, and by the axing of the valuable Aim Higher scheme.

### **Target-setting by the Office for Students**

*Question 12 b) Do you agree that the Office for Students should have the power to set targets where providers are failing to make progress?*

This is impossible to respond to because we are given virtually no detail either on the crucial question of how targets would be devised (and by whom), nor how success or failure would be measured, nor who would make up the OfS.

Progress in widening participation and social mobility is notoriously difficult to gauge and the Green Paper includes no consideration of what these charged and complex terms mean – even though the principal source for Section Four, the National Strategy for Access and Student Success in Higher Education,<sup>20</sup> puts some laudable efforts into defining these terms.

Surprisingly, the Green Paper makes no mention of the essential work of The Sutton Trust.<sup>21</sup> Without a sustained investigation into how targets might be first established and then assessed using rigorous and experimentally robust means, BIS will be left (or is perhaps electing) to set arbitrary targets.

Of further concern is the assertion in point 18 (p. 37) that 'Work to improve access and success should have close links with the TEF'. Why? How? In which way? Is the assumption here that the teaching at universities should compensate for lower attainment rates amongst BME students and students from low-earning families? We are directed here to Part A, Chapter 1 for more detail, yet this (points 19ff) again speaks in vague terms of 'measures' with no precision, example, or detail. The Green Paper recognizes, in point 21 (p. 22), that the TEF's proposed removal of a cap on fees (euphemistically referred to as a 'fee uplift') might seem at odds with its linking of the TEF with widening participation, but this paradox is not addressed.

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<sup>19</sup> <http://www.nus.org.uk/en/news/press-releases/nus-figures-show-new-students-face-cost-of-living-crisis/>.

<sup>20</sup> <https://www.gov.uk/government/publications/national-strategy-for-access-and-student-success>.

<sup>21</sup> <http://www.suttontrust.com/researcharchive/evaluating-access>.

A third area of great concern is that the use of a blunt instrument of numerical targets overlooks the complexities of widening-participation activities, their qualitative as well as quantitative nature, and the necessity for long-term strategies that start well before students apply to university. This is clear, again, when one reads both The Sutton Trust report and the National Strategy for Access document: in the latter, the Foreword expressly states that ‘a prescriptive solution’ should be avoided, since creativity, imagination, and experiment are needed when exploring how to boost participation in higher education, most particularly in the most selective universities.

In the ‘Introduction and Executive Summary’ (p. 13), at point 26, we are told that: ‘We must also ensure that we drive up the quality of teaching, and the associated outcomes, in the providers across our higher education system who are actually responsible for boosting social mobility for the vast majority of tomorrow’s graduates’ (p. 13). What role the ‘actually’ serves here is puzzling: is this an implicit upbraiding of higher-education institutions for not being prepared to take on prime responsibility for social mobility in this country? This may surprise both The Sutton Trust – who emphasize the need for interventions *before* the higher-education stage – and the authors of BIS’s own National Strategy for Access document, who recognize the role of higher education in increasing social mobility but pointedly note that ‘widening participation to higher education helps to increase social mobility but does not achieve it on its own: employers, schools, colleges, communities and the Government all have roles to play, too’ (p. 6).

Our response to question 12 is not a critique of the urgent need to improve and widen work towards widening participation, but a critique of the vague and ill-thought-through offerings of the Green Paper, which render any proper judgement of the supposed proposals impossible.

### **Speeding up entry for new providers**

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

It is, yet again, difficult to evaluate the proposals in the Green Paper, because of inadequate information. In principle, we have no objection to new providers, but history suggests we need to be careful to protect the value and status of the title of ‘University’ if degrees from our higher-education systems are to retain their cachet. The title itself is indeed a commercial asset because of the competitive advantage UK universities have by virtue of their reputation. Awarding ownership of such an asset to new parties affects the medium and long-term asset price and thus potentially one of the UK’s greatest positional advantages in the global economy.

One way of reading the Green Paper is that the goal is to bring in new providers who could offer innovative solutions to match the needs of students who require a different approach from that provided by a traditional university. Yet no glimpse is given of what such innovative solutions might be. Further, in such a model, new providers would *complement* rather than *compete* with traditional universities, whereas all the talk in the Green Paper is of competition.

We see serious risks in any reduction of regulation in this area, as follows:

1. Investigation of private providers in the US has revealed worrying cases of deception of students, who pay large sums for essentially worthless degrees.<sup>22</sup> The goal of the Green

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<sup>22</sup> See, e.g., <http://www.theguardian.com/education/2011/apr/16/private-university-owner-deceiving-students>.

Paper, to make it easier for alternative providers to enter the market, coupled with a focus on disadvantaged groups, creates a high risk of exploitation of the most vulnerable in society.

2. If a provider goes out of business, this makes the obtained degree worthless, regardless of the quality of teaching. Potential costs to students could extend long after the period of study.

3. There is a major risk that the tax-payer could, through the Student Loans Company, end up subsidizing for-profit providers who may either go out of business, and/or be bought by non-UK businesses. International takeovers and buy-outs of UK HE Providers have been a worry since BPP was bought by Apollo.

4. There is evidence from the National Audit Office that there needs to be tight regulation of student funding arrangements used by alternative providers in order to avoid abuses.<sup>23</sup>

5. Overseas students are at particular risk if institutions do not deliver on their promises, as evidenced in a HEFCE report.<sup>24</sup>

6. If even a small proportion of accredited institutions deliver poor-quality education, or go out of business, this risks damaging the reputation of the whole UK sector. This could lead to a drop in applications from overseas students.

7. Our higher education system has grown up with a model of the university that is quite different from that of a business. The central purpose of a university is to foster education, research, and scholarship. Of course, universities need money to achieve those goals, but the purpose of their existence is not to make money. It would appear that some new providers fail to understand that ethos. In the HEPI response to the Green Paper, Roxanne Stockwell, Principal of Pearson College London, complains that current regulation on validation is uncompetitive, '...the equivalent of Apple having to ask Google for permission to release a new iPad'. It is this equating of universities with businesses that our members find so disturbing. For our higher-education system to lose its focus on education as an end in itself, and see students merely as paying customers, is to damage a unique system that has been built up over centuries.

### **Simplifying the higher education architecture (Part C)**

*Question 18: Do you agree with the proposed changes to the higher education architecture?*

We are in broad agreement that there should be some simplification of the HE architecture. We recognize that the current structure has developed in a piecemeal fashion over time and that there is a case for reviewing it at this point. However, all governments have acknowledged how important it is to retain autonomy of our universities, so that they are not subject to short-term political pressures. The proposed OfS brings the control of universities significantly closer to government and removes the buffer between universities and government that HEFCE has always represented. OfS would be 'regulator' and

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<sup>23</sup> <https://www.nao.org.uk/report/investigation-financial-support-students-alternative-higher-education-providers-2/>.

<sup>24</sup> [http://www.hefce.ac.uk/media/hefce/content/about/Introduction/Working\\_in\\_partnership/RPG/march13/March\\_2013\\_sp3.pdf](http://www.hefce.ac.uk/media/hefce/content/about/Introduction/Working_in_partnership/RPG/march13/March_2013_sp3.pdf).

performance monitor. We do not see the justification for removing HEFCE's role in the distribution and possibly also the allocation of the teaching grant.

We are concerned about the vagueness in the Green Paper over which body would actually be responsible for the distribution of payments. The second option, proposed in paragraph 17, is preferable as it allows for the allocation formulae to be the province of a specialist agency, the OfS. In both proposed options, the Green Paper simply mentions 'the SLC or another funding body'. To give the SLC responsibility for distributing the teaching grant would be a significant change to its function and perhaps its structure. It is not clear which 'other funding body' could deal with this distribution.

### **Single, transparent and light touch regulatory framework for every higher education provider**

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

We agree with the proposal for a single regulatory framework for every higher-education provider, once university status is achieved. Our view is that the best way of preserving what is good about our higher-education system, while safeguarding students and encouraging innovation, is to have stringent requirements for those wishing to enter the system, but once those are met, to allow universities to get on with their work without a lot of red tape. A single transparent framework would, as the Green Paper notes, be in the interests of students. It is difficult to comment on how the proposed framework would change the burden on providers, as the Green Paper offers very little detail on how the proposed 'light touch' system would differ from that which is currently in place. As noted in our responses to Q16 and 18, we need full consultation on a detailed proposal before any new framework is put in place.

### **Duties and powers of the Office for Students**

*Question 21: Do you agree with the proposed duties and powers of the Office for Students?*

Many details of how the various pre-existing roles of HEFCE (and OFFA and QAA) will be handled remain unclear, though we are told that some may be outsourced. As noted above, we are concerned at the removal of the buffer between government and universities that is currently provided by HEFCE. If HEFCE roles are to be subsumed in OfS, then OfS should retain the power to allocate teaching-grant funding to eligible providers, for reasons explained in relation to Q18. We note that the OfS might be given the current powers of the Privy Council to award degree-awarding powers and university title 'subject to decisions about the role of the Privy Council'. We are puzzled that this subject is not then covered in Chapter 3, paragraphs 11-16, on simplifying the role of the Privy Council. It seems that further clarification is needed on the division of powers between the OfS and the Privy Council.

The proposed subscription funding model shifts the cost of paying for the OfS from Government to higher education providers. As the Green Paper points out, this is similar to how the QAA, OIA, and HESA are currently funded by the sector. However, this would be a substantial additional cost for higher-education providers and it is not clear where this money would come from. The taxpayer remains the main source of funding for higher education, whether via grants allocated from public funds for teaching or research or by underwriting the student loan system, so this will ultimately be public money which is

allocated to institutions and then returned to Government to fund the OfS. Looked at from this point of view, it is difficult to see what advantages it would bring.

### **Proposed deregulatory measures**

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

The statement that HECs are 'mature and autonomous institutions' (page 66, paragraph 7) overlooks the variability in this sector, which includes some examples of notably poor management.<sup>25</sup>

The proposals for deregulation of HECs do not appear to have any safeguards against the governing body of an HEC deciding to dissolve the HEC purely for the purpose of asset-stripping (see page 67, paragraphs 8 and 9).

We do not agree with the proposed simplification of the role of the Privy Council in approving the governing documents of HEIs: the present system ensures that HEI governing bodies feel obliged to consult all concerned parties when proposing changes to their governing documents and thus ensures that any changes are properly thought through and not proposed with undue haste. While the freedom for providers 'to make changes as and when best suited them to meet their business needs' may sound attractive, this statement glosses over the many and crucial differences between an HEI and a business. For similar reasons, we are wary of the suggestion in paragraph 17 that HEFCE-funded providers might cease to be treated as 'public bodies'. This paragraph of the Green Paper remarks that tuition-fee income is not treated as public funding. Nevertheless, we note that several other passages of the Green Paper recognize that it is ultimately the taxpayer who underwrites the student-loan system. In our view tuition-fee income is public funding in a different guise and HEFCE-funded providers have not ceased to be public bodies.

Specific mention is made in the Green Paper of the burden imposed by the Freedom of Information Act. The proposal is to reduce the burden by treating HEFCE-funded providers as 'public bodies' that would be exempt from FOI.

We think it is entirely appropriate to look at FOI legislation with an aim of reducing costly and vexatious requests that are not in the public interest. For instance, endless FOI requests have been used as weapons against scientists working in controversial areas.<sup>26</sup> Nevertheless, to remove universities from FOI jurisdiction is not the appropriate response. FOI has proved crucial for defending academic standards in a variety of ways. For instance, it has made it possible to discover cases of conflict of interest, where scientific objectivity is compromised.<sup>27</sup> It has also been used to throw light on dubious course content, with the result that certain BSc courses in pseudoscientific and potentially dangerous brands of alternative medicine have been shut down (for some alarming examples, see the blog by one of our members, Prof David Colquhoun).<sup>28</sup> From another perspective, FOI can be a useful tool in exposing facts about administration in a university that are generally hidden (e.g., concerning expenses, costs, and salaries).

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<sup>25</sup> See, for example, <http://wonkhe.com/blogs/a-big-governance-challenge/> and [http://www.hefce.ac.uk/news/newsarchive/2009/HEFCEs\\_dealings\\_with\\_London\\_Metropolitan\\_University/](http://www.hefce.ac.uk/news/newsarchive/2009/HEFCEs_dealings_with_London_Metropolitan_University/).

<sup>26</sup> <http://www.ucsus.org/center-science-and-democracy/protecting-scientists-harassment/freedom-bully-how-laws#.VpTlyVKU42A>.

<sup>27</sup> <http://www.nature.com/news/earth-science-wrestles-with-conflict-of-interest-policies-1.17821>.

<sup>28</sup> <http://www.dcsience.net/2009/12/08/information-tribunal-rejects-appeal-by-university-of-central-lancashire-freedom-of-information-wins/>.

Our view is that FOI is a vital instrument for defending academic standards, but we need to develop better guidelines for its appropriate use to ensure that academic freedoms are protected and it is not used to harass those engaged in controversial research. Rather than removing Higher Education Institutions from the scope of FOI, we recommend that it is in the public interest that all HEIs be subject to the FOIA.

## **REF (Part D)**

*Question 26: What are the benefits of the REF to a) your institution and b) to the wider sector?*

The purpose of the REF has mutated over the years.

1. Initially, it was just a means of allocating central QR funding that aimed to be more transparent than previous rather ad hoc decisions.
2. Once in place, it started to assume importance as a measure of quality in league tables.
3. In the last round, with the introduction of the impact agenda, it has acquired an added managerial function, notably by encouraging universities to put more focus on achieving and demonstrating impact to wider society.

The CDBU has for some years had reservations about the REF on several counts. One concern is the substantial administrative burden that it places on the sector. So long as the main goal is allocation of funding, the cost of the REF far outweighs its benefits: most funds go to Oxford, Cambridge, and London, and a remarkably similar result could be obtained by allocating funding by subject according to the number of full-time equivalent researchers at the institution.<sup>29</sup> There has been little change in REF rankings over time.<sup>30</sup> As with the proposed TEF, one has to ask whether the REF is necessary at all.

Clearly, funding purely by number of researchers (or 'power') would remove the quality element of evaluation, and many people regard this as important, both for league tables and because there is a persistent belief that if quality is not evaluated it will decline. We question that belief, which fails to understand the underlying motivations of researchers, most of whom treat their work as a vocation. Research naturally operates in a way that achieves survival of the fittest: researchers who do not do good work will fail to achieve peer-reviewed publications and not land a permanent academic post; in subjects reliant on grant income they will not get funding. Thus quality evaluation is already a fundamental part of academic life for researchers. We would caution against using number of publications or amount of grant income as a metric, but would argue that an active researcher could be defined, for purposes of the REF, on the basis of achieving some baseline level of publications and/or funding, scaled by discipline. Central funding could then be simply allocated according to the number of researchers by subject and institution.

What the REF has demonstrated is the difficulty of measuring quality. If one attempts to do it by metrics, there are bound to be protests, because metrics cannot capture many aspects of research quality, especially in the arts and humanities.<sup>31</sup> However, the alternative, of seeking expert peer review, is unworkable. As Derek Sayer has pointed out, what happens in the REF is a long way from the kind of peer review that occurs in other academic contexts, because those evaluating the work often lack expertise in the specific

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<sup>29</sup> <http://deevybee.blogspot.co.uk/2014/10/some-thoughts-on-use-of-metrics-in.html>.

<sup>30</sup> <https://www.timeshighereducation.com/news/ref-static-ranking-raises-questions-about-management-policies>.

<sup>31</sup> <http://www.hefce.ac.uk/pubs/rereports/Year/2015/metricide/Title.104463.en.html>.

area of research, and have an enormous body of work to evaluate.<sup>32</sup> We are aware of panel members in science subjects rating 1000 or more submissions over the space of a few weeks. This is not peer review in any reasonable sense of the term.

The introduction of the impact agenda into the REF is regarded by some as a great success because it has demonstrated the benefits of research to society. However, it has caused many universities to invest in an administrative and bureaucratic superstructure simply to produce the documents needed to report impact. Some of the most potent impact of academic work is indirect and long-term, and hence difficult to demonstrate. In addition, impact is often unpredictable and substantial impacts may flow from what appears to be blue-skies research (e.g., Einstein's theories of relativity) or arcane areas of specialized study (e.g., study of ancient civilisations that may throw light on contemporary political upheavals). There is a danger that, in chasing the impact agenda, universities become biased in favour of research areas that have obvious and immediate application, and lose sight of their more fundamental goal of pursuing scholarship, teaching, and research at the highest level.

The TEF and REF have parallel problems regarding the evaluation of quality. In both cases, metrics are seen as oversimplistic. Academics are already, quite rightly, up in arms about the prospect of having their teaching quality evaluated by NSS or student outcomes. But the alternative – expert peer review – is hugely costly of both time and money, and is also likely to be subjective and idiosyncratic.

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

Abolish the REF and allocate central funding on the basis of number of full-time equivalent researchers in the institution/subject area. This would make surprisingly little difference to the sums awarded. Measures would need to be taken to prevent people from 'gaming' the system, e.g., by giving researchers notional affiliations, and a clear definition of an active researcher would be required, but these issues are no harder to address than those surrounding the REF.

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

We are impressed with the data infrastructure that HEFCE has put in place and maintained. Although we are not in favour of developing the REF further, we welcome the fact that the key data underlying the exercise is transparently available. We recommend clear and permanent identification of authorship of research outputs in order that transparency may be retained within and between individual HEIs and units of assessment.

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

Both the consultation document and the Green Paper itself show little sign of the kind of openness to ideas that is surely fundamental to a consultation and seem, rather, to be predicated on the idea that the proposed recommendations have already been approved.

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<sup>32</sup> D. Sayer, *Rank Hypocrisies: The Insult of the REF* (London: Sage, 2015).

Thank you for your views on this consultation.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

BIS/15/623/RF