



## Department for Business, Innovation & Skills

### **Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice – Consultation Response by King's College London**

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)
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	Other (please describe)

## Response from King's College London to BIS HE Green Paper Consultation

### 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?

No comments to make.

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

Yes       No       **Not sure**

No comments to make.

### 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.

We welcome the Government's ambition to enhance the sector's focus on giving teaching quality and the wider student experience an equal degree of internal parity with concerns about how to enhance the excellence and impact of research.

We would note that the National Student Survey and, more recently, the HEA's UK Engagement Survey for students are welcome innovations which have helped build a richer picture of areas of strength and areas where improvement is needed within universities.

We would also note that across the breadth of the higher education sector in England over the last decade there have been concerted efforts made to enhance the professional training and ongoing career development support available to academics in teaching posts.

We believe that as the TEF is developed, it will be important for the Government and HEFCE/ the Office for Students to engage with students and with experts who've been involved in the design of NSS and UKES to identify what information can most usefully be provided by TEF to most helpfully aid student decision making.

We support the proposed inclusion of data sets relating to employability outcomes for graduates as part of the set of common metrics, as we acknowledge in recent years employability has become a growing concern for graduates given the rising fee costs of university study and the high degree of competitiveness in the graduate jobs market.

We would add though that it also important to remember that students frequently make clear to universities that while they of course want to succeed in a competitive labour market, they recognise that university study is about far more than just getting a head start in the jobs market. Thus as we design the TEF, the government and the sector should also recognise that while Higher education is not only an 'investment' for the

student in their future career, but an ‘enrichment opportunity’ to study subject areas they enjoy and develop rounded capabilities that will allow them to live more fulfilling lives.

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

Yes       **No**       Not sure

Please give reasons for your answers.

King’s would like the TEF to be open to HEIs and alternative providers offering full time and part-time based courses at Level 6 which have an approved access agreement. Online degree courses and distance learning courses offered at Level 6 should also be included in the TEF assessment process.

We are not convinced of the benefit of including degree apprenticeships or foundation degrees in the TEF at present. Arguably the Government should consider developing a **separate** “sub-degree” TEF for HEIs offering Level 4 or Level 5 provision, especially where this is ‘shorter course’ and highly vocationally-oriented provision.

The PGT and PGR sectors in this country are thriving and we do not believe it should be the ambition of the Government to sweep them up into the TEF regulatory architecture at a later point in this Parliament. These are distinctive modes of higher education, where universities and students have benefited from real flexibility in terms of customising the training and teaching on offer.

The Government should focus on proving that the TEF exercise is fit for purpose in providing added value to students, employers and universities in relation to insights on teaching excellence at undergraduate level before even countenancing any extension in scope to encompass PGT level provision.

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**       No       Not sure

Yes, having an approved access agreement in place should become the pre-requisite over time in order for HEIs to secure a TEF award, even in the case of alternative providers, as this will help ensure all HEIs are taking the issue of access seriously.

However, the performance of universities in relation to access targets should not be assessed with respect to the TEF Level Award judgments they receive, because the performance of universities in relation to outreach and access policies for potential students has no direct operational link with teaching excellence. In our view the TEF should be focused solely on factors directly relating to teaching excellence and not on wider policy objectives such as fairer access.

We do acknowledge there may well be benefits for students and universities to adopt the grade point average approach (GPA), as it could enable students and employers to gain a more granular insight into the level of student attainment, but the decision is a matter for individual universities to take a view on, and it should not necessarily be a pre-requisite for being awarded a higher level TEF Award.

Question 5: Do you agree with the proposals on:

a) what would constitute a 'successful' QA review

**Yes**       No       Not sure

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

Yes       No       **Not sure**

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

Yes       No       **Not sure**

Please give reasons for your answer.

In relation to Question 5 sub-clause a) – King's is broadly supportive of this and regards the proposed linkage between a successful QA review and TEF Level 1 as a welcome proposal. We would add that it is clearly critical to get the mechanics of both processes right in order to avoid needless duplication of data reporting.

In relation to Question 5 sub-clause b) – King's agrees with the view that high-performing alternative providers should be incentivised. If the Government does opt to fast-track a transition to a single regulatory framework, we would argue that only exceptional alternative providers should be able to access the higher band fee loan cap. For the majority of providers, without Degree Awarding Powers, this should remain at the lower band cap.

In relation to Question 5 sub-clause c) – We really need to see the detailed proposals emerging in the Technical Consultation on TEF due in the New Year to be able to comment on viability of differentiated level awards beyond Level 2 from 2017. We do agree with the idea that there should be differentiated fee caps to allow universities to generate income in a way that more fully reflects the quality and value of the teaching on offer.

However, we also believe that any introduction of TEF higher level awards and corresponding differentiated fee bands should not necessarily mean further removal of core public funding support for strategically important or vulnerable high cost degree subjects provided through the residual teaching grant.

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

Timing?

Yes       No       **Not sure**

Assessment panels?

**Yes**       No       Not sure

and process?

Yes       No       Not sure

Please give reasons for your answer.

King's welcomes the Government's decision to develop the multi-level Teaching Excellence Framework on an incremental basis over the course of the Parliament, rather than rushing through full-scale implementation in the space of a single year.

We also welcome the principle of TEF judgments being made by TEF panels who can take into account additional evidence submitted by the university alongside the common metrics data reporting.

It's important to note that across the subjects found in different disciplinary areas (e.g. Arts and Humanities alongside those in the Natural Sciences) there may be differences in contact hours and longstanding practices in relation to the degree of expectation on the student in relation to independent extended research, independent learning, group work and presentation-making.

It will be critical to get the make-up of the TEF assessment panels sub-panels right. To give universities such as King's the confidence to participate, HEFCE/ the Office for Students will need to ensure that there is a significant degree of representation on TEF assessment panels by respected academics at highly successful universities who occupy senior grade teaching and combined teaching and research posts.

There should also be at least one senior institutional leader with a track record of responsibility for teaching and learning (e.g. a Pro-Vice Chancellor) on each assessment panel to provide a strategic, institutional perspective.

If widening participation sub-cohort data sets are to be included in the TEF common metrics, and evidence will be expected from universities on how they are supporting the success of WP students, then there is a case for the assessment panels to include specialist practitioners in areas such as widening participation and student lifecycle support.

King's would also agree with SCONUL's recommendation that professional university librarians should be included in the TEF assessment panels. King's believes they play an important role in providing A) support for students in terms of developing their information literacy and scholarly research skills; and B) support to teaching staff with the scholarly content for remaining up-to-date in their academic fields and pedagogical practice.

We would question how 'student voice' is to be channelled into the TEF assessment process. Clearly data sets from the NSS will be drawn on, but there was little in the Green Paper in relation to how the Government envisages the Office for Students engaging with students in relation to the running of the TEF process. There is a good rationale for student union representatives or professional staff to be involved in TEF assessment panels.

King's is also concerned that the TEF and the Research Excellence Framework (REF) are processes that run harmoniously in tandem. They should not come to be seen as 'rival' priorities within the sector, duelling for strategic management focus within an institutional environment.

In this vein, one of the disadvantages of de-coupling the REF and TEF exercises by abolishing HEFCE in place of the Office for Students and Research UK is that there is less 'line of sight' for the two respective organisations with respect to the administrative burdens and potential unintended consequences of the processes underpinning the TEF and REF exercises.

King's would therefore recommend that senior leaders at Research UK and the Office for Students should be regularly interacting – including the right to attend senior steering group meetings in relation to both processes – in order to ensure such line of sight continues.

The Green Paper also draws an explicit linkage between full compliance with Consumer Market Authority (CMA) guidance on consumer law student provision and ability to achieve a TEF award. It is unclear who would presently adjudicate, as part of the TEF process, whether a HEI has complied with the CMA guidance and how the Office for Students would act retrospectively with respect to a TEF level award if the CMA were to pursue action against a university, depending on the degree of proportionality – i.e. in the case of minor or immaterial breaches.

The Government needs to think very carefully through the implications of making such an explicit linkage between the TEF and CMA compliance for the higher education sector, given the latter is still in a relatively developmental stage.

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.

There will undoubtedly be added financial costs for universities if a multi-level Teaching Excellence Framework is introduced.

It's unclear whether the costs of participating in the Teaching Excellence Framework would actually be covered by the uplift in tuition fee income from fee indexation in line with inflation from 2017/18 onwards.

The Government's broader ambition in the Green Paper to create a more integrated, HE regulatory framework is welcome. Critical to the achievement of this goal will be finding ways to ensure that the data produced for the common metrics bound up in the TEF as closely as possible match the reporting requirements of HESA and the QAA. Ideally there should be a single annual return process for providing common data sets for usage by all the various national stakeholder bodies.

In order to reduce the administrative burden on universities in producing the qualitative evidence submissions that will sit alongside the common metrics in determining TEF judgments, the Government and HEFCE/ the Office for Students will need to ensure that criteria on what kinds and forms of evidence TEF assessment panels will find most helpful to examine is published in good time ahead of the assessment process.

We would prefer TEF assessments to be on a longer cycle and agree that an annual cycle of TEF awards would greatly increase the burden on institutions.

We support the approach to reassessment; triggered either at a university's request or when triggered by risk factors.

In the case of an OfS-triggered TEF reassessment, we would like to see more detail in the technical consultation on which metrics would be used to judge the need for a reassessment to give an informed opinion on this,

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

- Yes**       No       Not sure

Please give reasons for your answer.

King's accepts the principle that there should be multiple TEF level awards with the highest levels being Level 3 or 4 over time, but that the process shouldn't be rushed through without the sector having an opportunity to shape the design of the respective higher level awards in a way that ensures they are seen as credible.

We are keen to see more detail emerging in the technical consultation on TEF as to the nature of awards classification judgments within a particular TEF level. We would argue that it might be prudent for the Government to develop alternative language for judgments to that used by the pre-19 education provider Ofsted.

A balance needs to be struck between aligning the classifications to any revised Quality Assurance Review judgment classifications and the wider objective of ensuring that 'TEF' judgments are meaningful to students and employers. "Meets requirements" for example may not feel like a particularly ringing endorsement either to potential students or to universities who have undertaken the additional administrative burden involved with engaging with the process.

The Green Paper had too little to say about the inextricably strong connection between high quality teaching and high quality research. We would argue that the higher level TEF awards (3 and 4) should have a particularly strong thematic focus on requiring universities to demonstrate evidence of how they provide stimulating research-informed teaching and how they place high expectations on students to undertake independent research as part of their degrees.

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

- Yes**       No       Not sure

Please give reasons for your answer.

We agree that universities with a strong track record of offering rigorous teaching should be able to charge fees above £9,000 that allow for:

- A) Indexation on an annual basis to rise in line with inflation;
- B) The very best universities, with demonstrable teaching excellence across a significant range of subject areas, to charge fees above the present fee cap and fee loan cap threshold that allow such institutions to generate the revenues needed to attract and retain a world class academic workforce and invest in high-grade facilities and support services to deliver cutting edge, research-informed education.



The fee cap loans provided by the Student Loan Company should be revised to allow for greater sums to be borrowed as any differential fees environment emerges. Primary legislation should allow for flexing to routinely take place in line with orders from the Secretary of State without the need for further Parliamentary approval. This would further strengthen the long-term underpinnings of the undergraduate funding system.

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

**Yes**       No       Not sure

Please give reasons for your answer.

King's broadly agrees that these four key areas would provide a reasonable thematic basis for the TEF. We look forward to seeing more detail emerge in the forthcoming technical consultation on specific proposed common metrics relating to each of these thematic areas.

We would argue that the common metrics utilised must relate as closely to the issue of teaching excellence as possible.

Thus, for example, if the Government plans to utilise institutional performance data from the National Student Survey (NSS) as a component metric in the TEF, then the section of the NSS dealing with teaching quality (currently questions 1-4 in the survey) should be the data metrics, not the wider elements of the NSS unrelated directly to teaching quality.

We would like to see the higher level TEF awards require universities and other HEIs entering for them to demonstrate the tangible manner in which students benefit from research-informed teaching and are encouraged to undertake rigorous independent research as part of their studies.

In our view the Green Paper had surprisingly little to say about the benefits for students of being taught by highly research-active and research-attuned academic staff, and we hope that the Government will take on board our concerns about the need for higher level TEF awards to require HEIs to demonstrate real strength in depth with respect to the quality of research-informed teaching taking place, potentially through specially designed quantitative metrics in the basket of assessment measures, as well as qualitative measures.

It's also vital to remember that universities have for decades, and in some cases centuries, differed from schools, sixth form colleges and FE colleges in terms of the level of expectation placed on students with respect to independent, self-directed learning as part of their degrees. The capacity to undertake independent learning and research, alongside lectures, seminars and group work projects, is a vital element of the all-round richness of the academic experience and skillset our graduates gain.

More generally we welcome the focus on the broader learning environment. We would hope that the TEF panels and sub-panels making judgments at an institutional and course/ discipline specific level would take into account qualitative and quantitative evidence provided by universities about the quality and usage of learning technologies, learning spaces and library resources, high grade laboratory space and equipment, and other factors conducive to high quality teaching and learning.

Equally the work universities undertake in creating stimulating learning environments for students across the student lifecycle through the provision of work placements/ internships, experiential learning programmes, and study abroad opportunities should be factored in.

With respect to learning gain, King's has concerns in relation to the viability of developing a valid and robust value added metric to demonstrate learning gain, especially in the short-term future. This agenda is still in a relatively early developmental phase, and while King's is very willing to participate in initiatives to help make progress in developing learning gain metrics, we do not believe it should be rushed.

It is helpful to see there was a note of caution sounded in the Green Paper about the need to move on a phased basis towards introduction of learning gain related metrics in future iterations of the TEF above Level 1 across the Parliament.

There is a risk that overly-simplistic value-added metrics could risk creating perverse incentives for some HEIs to move effort and resource away from delivering the rich and diverse mixture of skills and personal development opportunities graduates need into a narrower model of higher education.

We would argue that time and care needs to be taken in relation to developing learning gain metrics and that if metrics are developed in Year 1 and Year 2 of the TEF, they should be given relatively low weightings in the overall TEF level award judgments.

We would note that the ongoing series of 13 HEFCE-funded learning gain research and best practice development projects can play a critical role over time. It is also important the Government furnishes the Office for Students with a research budget to allow it to continue to generating research in this sphere beyond the 3 year initial period of these projects.

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

- Yes       No       Not sure

Please give reasons for your answer.

Broadly speaking King's accepts that a mixed economy approach of common metrics supplemented by tailored institutional submissions to TEF panels and sub-panels should form the basis for overall TEF panel judgments.

We support the principles for the metrics and institutional evidence but would ask the Government to consider carefully how institutions will be benchmarked against these metrics. Benchmarking needs to be fair and reflect the wide diversity in the sector. Using a model similar to the HESA Widening Participation Performance Indicators would be fair, allowing institutions to benchmark themselves against a target that takes into account student and subject mix rather than benchmarking against each other.

We would note that metrics in the TEF relating to graduate employability outcomes at institutional or 'unit of assessment' level for particular disciplinary band subjects should be contextualised to take into account that there are variances between disciplines in terms of progression and typical labour market average salaries.

For example, graduates from Arts and Humanities and Social Sciences subjects may end up working in a far wider variety of fields, with far less direct correlation to a specific professional field matched to their degree, than may be the case with clinical science and natural and technological sciences graduates.

We would strongly argue that student representatives and focus groups involving students should be convened by HEFCE/ the Office for Students to help 'co-design' the metrics so they are as useful to students as end-users as possible.

We would also argue that the Government should be consulting extensively with academics who have been involved in the design of NSS and the UKES.

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

Question 12:

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

**Yes**       No       Not sure

Please give reasons for your answer.

We welcome the significant degree of emphasis on social mobility running through the Green Paper and are supportive of the Government's ambitious 2020 targets in relation to WP and BME student access at undergraduate level.

King's has improved access for WP and BME students in recent years, and is continuing to invest in outreach, bursary support and wider student lifecycle enhancement measures to help enhance access and student success.

The King's College London 2014-15 access agreement established ambitious targets for the university and excellent progress has been made towards these milestones with four out of six targets met or exceeded. In 2014-15 we have comprehensively exceeded our target for students from NS-SEC classes 4, 5, 6 & 7 with the percentage climbing to 26.2% - over 4% above our 2016-17 benchmark.

We have also substantially increased our numbers of full-time first-degree entrants on HEFCE-funded programmes from state schools. The proportion has risen significantly from 72.4% to 74.9%. During this period we have also grown the proportion of students at King's College London from low-participation neighbourhoods from 3.7% to 5.2%, against a 4% target.

It's not clear in the Green Paper what specific proposals the Government is planning to bring forward in relation to more challenging targets or aspirations in relation to BME student success in terms of attainment, but clearly there are unexplainable differential

student outcomes that need to be addressed within the sector and we welcome the Government's ambition for universities to do more.

It is important to recognise that UK-domiciled BME students and prospective student populations are an incredibly diverse cohort and that a range of different approaches will be needed to help boost access and measure progress in a way that takes into account institutional and regional factors. We also welcome increased attention on the most-underrepresented group in higher education today, white working class boys.

We also particularly welcome the creation, in conjunction with Universities UK, of a Ministerial Advisory Group on Social Mobility in the context of higher education to help shape policy in relation to the next ambitious phase of the WP and student success agendas.

We believe the Ministerial Advisory Group and its reference sub-group of widening participation practitioners should have opportunities to shape the development of the chosen metrics in relation to the Prime Minister's 2020 access targets.

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

Yes       **No**       Not sure

Please give reasons for your answer.

We agree with the present Director of Fair Access' view on this matter and would add that the present partnership-based approach is helping universities like King's make positive, sustained progress year on year. External target-setting would not be constructive.

In King's view, universities should continue to set targets that take into account their distinctive institutional operating context. However we support the principle that the Director of Fair Access and his Office for Fair Access should continue to have final right of sign-off on Access Agreements.

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

We would argue that the Government should explore the feasibility of developing sector-wide targets to increase access to university for disabled students, and in line with the Government's wider equality policy objective to halve the disability employment gap over the Parliament, the Government may wish to challenge universities to try to make faster progress in relation to UG and PGT participation and student success.

The Government should also consider what more can be done to provide support for part-time students, many of whom are mature learners and some of whom have family caring responsibilities and may require some funding support for relief care during study contact hours. The Government needs to show more ambition in this arena.

We believe more should be done by the Government to encourage and support mature students to enter higher education on either a part-time or full-time basis – better information, advice and guidance and a promotional campaign on the benefits of higher education study is needed.

Fairer access to postgraduate taught study is also a key social mobility barrier where concerted action is needed. We very much welcome the planned introduction of the postgraduate loan pool from later this year, and were very pleased that the Autumn Statement brought with it a commitment to increase the age cap for accessing PGT loan funding from a previously announced age cap of 30 to a new cap of 60. Over time we would hope this residual age cap could also be lifted.

We would accept that there may be a case for the access agreements architecture used in relation to undergraduate provision to be extended to the PGT sector in either this Parliament or the next Parliament on the basis of the impending establishment of a PGT loan pool.

While universities should not be restricted in terms of the overall level of fee they can charge for postgraduate study, they should – at institution-wide level – be required to enter into an access agreement if the students who enrol on their courses are to be able to apply for PGT loans of up to £10,000 to support their studies.

To reiterate a point made earlier in our response, King's does not however believe that the TEF should be applied to the PGT sector for the foreseeable future.

We have concerns in relation to the technical feasibility of the Government's proposal for UCAS to operate a name-blind admissions process for undergraduate admissions. To be clear, King's is not opposed in principle to the rationale for the policy option, although we are not aware of a strong evidence base that unconscious bias is a significant factor in the English higher education admissions system. The Supporting Professionalism in Admissions report on this matter provides a good overview of the research to date.

Our concerns instead relate to potential downsides of a name-blind admissions process without flexibility built in. We would want to see reassurance from the Government and UCAS in relation to a number of areas where exemptions from the name-blind process would need to be made, which include:

- A) Instances where specific courses (particularly STEM courses) currently already require background checks to be undertaken for either legal reasons or because of other valid exceptional circumstances.
- B) Instances where the Widening Participation Department of a university may wish to ask the university's admissions service to provide additional consideration to students who have taken part in outreach and engagement programmes such as the K+ scheme at King's or the wider Realising Opportunities partnership outreach programme. There needs to be an adequate work-around or solution to this issue.

Indeed the name blind proposal could further compound the difficulties for widening participation departments in relation to tracking the progression into higher education of students who have been supported at pre-19 level through their outreach and engagement activity.

Given that the Government, OFFA and the Social Mobility and Child Poverty Commission have repeatedly encouraged universities to do more to develop a robust evidence base in relation to the effectiveness of individual university and collaborative sector outreach initiatives, it will be important that solutions are found.

We would also strongly oppose any further proposals for 'school name-blind' and postcode-blind UCAS applications – such proposals could set the widening participation agenda back significantly, and add to the administrative burden for universities in finding suitable workarounds to ensure we are recruiting effectively from a wide diversity of schools and colleges in line with the Government's commitment to promoting social mobility.

Question 13:

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

The ability of universities to make further progress in relation to building up a richer picture of how institutional and cross-sector collaborative approach to outreach and access can best be targeted would be greatly aided if UCAS related data sets were more readily shared with universities, or the Higher Education Access Tracker.

We welcome the increased availability of large data sets for research purposes but widening participation evaluation is hindered by the inability to secure individualised tracking data from UCAA. HEFCE recently invested in the Higher Education Access Tracker, a service with over 80 higher education institutions signed up. This service should be seen as a safe conduit for individualised data tracking. Understanding of impact and 'what works' would be significantly enhanced through the sharing of individual student data held by UCAS,

There arguably needs to be a shift within UCAS away from the emphasis in recent years on seeking to hold on to and commercialise data assets in order to diversify its income base, to a position where it accepts it has a role to engage with the 'open data' agenda the Government have been championing, while providing appropriate safeguards.

As a sector we need to improve our ability to track students' from school through to Higher Education and throughout their university career. At present key data resources like the National Pupil Database are not easily accessible for universities and are difficult to link to HE datasets due to different coding systems. Universities could make real use of the National Pupil Database to better understand their student body and measure how effectively we are adding value for our students and devising effective interventions to ensure learning gain.

The work of HEDIIP and HESA Data Futures is going some way towards this, with the adoption of the Unique Learner Number (ULN) in HESA Student datasets. However, there is still far to go in the journey to reach an optimal position in terms of an 'open data' approach in the education sector more widely that would mirror the significant steps forward in other public policy areas. Any help Government could provide in opening these doors would be welcomed.

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

Any requirements to collect and report additional data items have a concomitant cost. We would urge the government to think about ways in which BIS, the Office for Students, HESA and universities can make better use of data that already exists in different datasets across the education sector. Examples would include pre-16 and

post-16 qualifications datasets and indicators such as receipt of free school meals or Special Educational Needs are already recorded in the National Pupil database.

Universities gather and report details of individual qualifications held and do not have access to information on which of our students was in receipt of free school meals or which of our students had a Statement to support Special Educational Needs.

The first example shows the duplication of effort required to report data already held by the Government more than once (with a loss of data quality as some qualifications go unreported).

The second example shows a real data gap that may inhibit the Government's ambition to see universities become more effective in supporting the success of students from under-represented backgrounds. If we were to know which applicants and students had free school meals or SEN statements we would be able to be more effective in profiling which of our students might need more support to access learning and we would be better able to target effective interventions to bolster their student experience.

### 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.

We have no objection to the idea of a dynamic higher education sector where new alternative providers, with the requisite quality assurance arrangements and financial sustainability, should be able to become registered HEI providers and benefit over time from access for their students to the tuition loan support pool for students in England. We are keen to ensure that new providers are robustly assessed and that the Office for Students is appropriately resourced to undertake such a process.

We believe there should be an extended probationary period in terms of quality assurance site visits and enhanced risk-based monitoring and regulatory oversight for new market entrants on the basis of the need to protect students.

It is essential that the Government provides the Office for Students with a resource envelope to discharge these functions effectively as it would be inappropriate to use the subscription fee income from existing HEIs for this purpose.

Question 15:

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

Yes       No       **Not sure**

Please give reasons for your answer.

We believe that there should be a straightforward application path for HEIs that want to gain full degree awarding powers and the university title. The proposal to reduce the time frame 'track record' for a HEI to achieve degree awarding powers from 4 years to 3 years is not problematic. However the regulatory framework for alternative providers to achieve degree awarding powers must be genuinely robust and risk-based in order to protect the interests of students and the gold standard reputation of UK and English higher education.

As the Green Paper notes, they should also have such degree awarding powers and the university title handed to them on a 'renewable' basis in the first instance for a set number of years before they become normalised by gaining indefinite degree awarding powers within the regulatory framework.

We are not convinced that there is a case for reducing or removing entirely the present student numbers criterion needed for granting a provider the university title designation.

We do not see a strong rationale for the Privy Council to lose its powers in relation to making decisions about degree awarding powers and university titles, especially as it allows for broader perspectives to be brought into play.

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

If the Government pursued option 1 and the Office for Students were to take on powers to directly validate provision by HEIs without their own degree awarding powers, we would like Universities UK to have input to designing a highly transparent set of criteria and a robust risk-assessment mechanism process that protects students and protects the reputation of the higher education sector.

King's does not believe there is a clear rationale, as proposed in the second option, for non-teaching institutions in the higher education degree awarding powers so they could in turn validate providers. They would not necessarily have the requisite knowledge and experience of quality assurance of teaching provision to make reliable judgments about the suitability of such validation.

We are also concerned with respect to the third option laid out by the Government of allowing 'existing bodies' (i.e. universities) to continue providing the validation process, but requiring them to sign up to a validation charter designed to promote competition, innovation and diversity in provision.

While on the surface this sounds reasonable, we would want to see safeguards put in place so that any such registered validating service providers did not feel they were obliged to routinely approve validation applications because of the Government's emphasis on opening up the market to competition. There should be clear scope for registered validating bodies to reject applications on the grounds of poor quality assurance arrangements.

There could be a case for the Higher Education Academy to be contracted by HEFCE/ the Office for Students to provide validation services, but the assessment panel would need to be made up by people with considerable sector-based experience of quality assurance and student protection.



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

Yes  No  **Not sure**

Please give reasons for your answer.

No comments to make.

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

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

Yes  **No**  Not sure

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

We believe a risk-based approach is needed rather than a blanket requirement. Long established universities such as King's with extremely low risk of premature course closure should not be required to hold back tuition fee income to provide contingency arrangements.

However, those HEIs that have an enhanced risk of course failure, or indeed wholesale institutional failure, should be subject to such requirements.

The introduction of a sector-wide requirement to contribute to a reserve fund or set aside income in reserve funds for the purpose of a student protection scheme is unnecessary. A more risk-based approach is needed where leading universities with a long-standing track record of operating on a sustainable basis and managing any course closures in a timely, sensible manner are exempted entirely.

The costs of managing provider exit where a university/ HEI fails should never fall on other HE providers, who have managed their provision well. We do not believe the university sector needs to provide a 'whole sector' provider failure scheme as is the case in the overseas airline travel sector.

To be clear, if the Government is keen to enhance competition and provide a more 'level playing field' for alternative providers with easier market entry, then it should be the Government that bears the cost of compensating students in the event of whole provider failure, not competitor institutions in the sector.

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

Question 18:

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

Yes  No  **Not sure**

Please give reasons for your answer.

While we strongly welcome the continued commitment to the dual funding system, and recognise there could be benefits to creating Research UK as a strategic coordinator, we have some concerns about the planned abolition of HEFCE and the envisaged institutional landscape.

There is a risk of a bifurcation of teaching and research emerging if there are not effective linkages in the refreshed institutional landscape between the Office for Students and Research UK.

Creating a dichotomy in funding for teaching and research could lead to a greater separation of the two on the ground in universities, when there conversely are real benefits to a strategically aligned approach to funding due to the fact that teaching and research are highly complementary activities.

HEFCE has operated cost-efficiently and effectively in its role at the heart of English education as a regulator, funding allocator and champion of excellence and collaboration. It has accumulated real expertise and cross-cutting insight with respect to funding the highly inter-linked and mutually reinforcing funding eco-system spanning education, research, knowledge exchange, and support for innovation.

As a result, HEFCE has been able to 'hold the ring' and find ways to deliver sustainable funding settlements, in line with the annual grant letters, which manage to balance ephemeral political priorities for greater investment in nascent thematic areas with a long-range view about the benefits of continued investment in existing areas of activity.

We are particularly concerned about the potential for a loss in 'line of sight' between strategic regulation and funding of teaching and research activities in English higher education.

We would want there to be mechanisms in place to ensure that decisions about the operation of the TEF and REF exercises and allocation of any funding streams and other incentives linked to them are made in a way that doesn't undermine the wider health of the sector.

One good example relates to the £240 million in funding presently channelled through HEFCE to universities such to help deliver PGR training through the Research Degree Programme Supervision Fund. This funding is critical in helping universities sustainably train PhD students who will go on to be the backbone of our research base in the long-term.

Another is the issue of how Research UK and the family of Research Councils will relate to the Office for Students and the Student Loan Company in relation to issues such as the operation of the proposed PGT and PGR income-contingent national loan pools, as there may clearly be implications in respect to the concentration of bursary support over time.

There should be a clearer recognition that education, research, knowledge exchange and support for innovation and knowledge exchange in other sectors are wholly interdependent. In our view, the role of universities in helping, for example, to foster

the entrepreneurial skills and support early-stage ideas for businesses by students and graduates are as critical to supporting an innovative economy as our research outputs.

There needs to be a single point of interaction where these interdependent dimensions are considered as a whole. As such, we believe that senior representatives from the Office for Students, Research UK, BIS and Universities UK should regularly meet as a strategic committee or forum, and that the Office for Students and Research UK should have regular interactions on points of common interest.

HEFCE has also acted as a strategic commissioner and promoter of extremely valuable cross-cutting research projects that have helped produce added insight and national best practice in relation to issues such as student success, widening participation and innovative approaches to teaching and leadership in higher education.

Even more critically, we would argue that the Office for Students should continue to have responsibility for the formula allocation process for the residual teaching grant funding provided by BIS. This should not be transferred to BIS officials.

We also believe the role played by the Director of Fair Access to Higher Education and the statutory office-holder's supporting secretariat body, the Office for Fair Access, in the sector is extremely valuable. In establishing the Office for Students and embedding the Director of Fair Access role within its architecture, the Government needs to take care to ensure that they are given the resources and the internal freedom to carry out their statutory duties and powers relating to widening participation.

The Green Paper was not clear with respect to the envisaged reporting relationship between the Director of Fair Access and the Chief Executive of the Office for Students and more clarity is needed here.

- 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

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

It makes sense that the Office for Students should be able to contract out responsibility for quality assurance, data management and collection, functions connected to assessing student experience and engagement, and other matters to relevant external bodies in England or on a UK-wide basis. There should be a general power in this regard to ensure the OfS is able to do so in a straightforward manner over time without needing to establish a new statutory basis for practical working arrangements in delivering its functions.

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

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

Agree       **Disagree**       Not sure

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

**Agree**

Disagree

Not sure

Please give reasons for your answer,

HEFCE has played an invaluable role for many years in prudently translating shifting ministerial priorities in relation to higher education policy into a sustainable frontline funding envelope that gives universities reasonable certainty in planning on a year to year basis.

HEFCE has assembled high quality funding policy specialists who have real experience and insight of frontline issues facing universities. This should be preserved in the transition to an Office for Students.

We would argue that it would be beneficial to the sector and to institutional autonomy if decisions about individual formula allocations to universities should be taken at arm's length from Whitehall.

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

Yes

No

**Not sure**

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

The Government is right to be proud of the world-class reputation and stature of the UK and English higher education sector. Many English universities have a strong record of producing rounded, highly capable home and international graduates, who go on to make a significant contribution to the economy and society.

We respect the fact that the global reputation of English higher education is a key factor that fuels the interest of private, independent and indeed FE sector providers to want to establish higher education course provision and in some cases seek full degree awarding powers and the university title. They recognise a dynamic market environment in terms of growing global demand for higher education.

What we need is a higher education regulatory framework that genuinely lives up to the Government's ambition of being 'light touch' and risk-based.

A single or highly integrated regulatory framework is a fine ambition so long as, in its desire to create a more level playing field for newer entrants, the Government doesn't inhibit institutional autonomy in order to design out the risk of provider failure.

It's logical that universities like King's, with a strong, longstanding track record of success in delivering high-quality higher education provision, should be subject to considerably less inspection and bureaucracy than newer institutions.

In particular, institutions such as King's should benefit from a more straightforward Quality Assurance process and there should be an emphasis on trying to cut down on

the scale and scope of data reporting requirements. This would reduce administrative burdens on universities and also mean public funding is spent more efficiently on sector regulation.

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

King's believes that its own Student Union, KCLSU, has effective arrangements in place with respect to their governance and transparency.

While Student Unions across the country will typically have room for improvement in relation to enhancing levels of turnout in student union elections, we don't have significant concerns in relation to their general accountability to individual student members.

If the Government plans to bring forward proposals in relation to either best practice or new statutory requirements in relation to the financial spending transparency reporting by student unions to individual members then it should design such proposals in tandem with the National Union of Students and other relevant parties.

Question 21:

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

Yes

No

**Not sure**

Please give reasons for your answer.

We agree for the most part with the proposed duties and powers currently outlined in the Green Paper in relation to the remit of the Office for Students.

We understand and support the Government's positive ambition to create a body that has an explicit cornerstone focus on championing the interests of students engaged in higher education. We have no issue at all with this.

However, we do believe that the primary legislation, used to establish the Office for Students should also contain a duty on the Office for Students to act in a manner that doesn't simply take into account the interest of students and employers, but also takes into account the health and sustainability of the higher education sector in England.

Universities are highly complex, multi-functional organisations – as well as teaching and training students, we play a broader role in producing and applying research, commercialising technology, spreading knowledge and advising organisations in the private, public and third sector on how they can improve their performance. The Office for Students needs a fundamental duty to act in a way that respects and protects the institutional autonomy of universities and recognises the reality that teaching students sits alongside other objectives at the heart of the university's mission.

There may even be a case for the Government revisiting the intended brand name for the non-departmental public body – Instead of the Office for Students, there may even be merit in establishing it as either the "Office for Students and Higher Education" or the "Office for Students and Universities".

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

- Yes       **No**       Not sure

Please give reasons for your answer.

The Green Paper did not make a compelling case for why HEIs should be co-funding the work of the Office for Students, especially if the same principle is not going to be applied to schools, FE or the NHS regulatory environment.

If the Government does opt to press ahead with a subscription model framework for part-funding the work of the Office for Students, then it is important that the following principles are adopted:

- A) A modest and constrained cost envelope for of the work of the Office for Students is adopted in order to prevent universities being saddled with a requirement to top-slice their tuition fee income to fund activities by the regulator that may have only a peripheral degree of relevance to the regulation of our own institutional activities. In King's view the Government rather than the subscription fee should also make up the greater proportion of the operating budget of the Office for Students.
- B) In particular no element of the subscription fee should be used to subsidise the provision of gateway regulation and support services provided by the OfS to new market entrants or alternative providers seeking advice and guidance in gaining degree awarding powers. Usage of our funding for these purposes would be wholly inappropriate and any such costs should be borne by the Government and the individual HEIs in question.
- C) A risk-based approach is made in determining the level of subscription contribution made by individual HEIs. The annual subscription required should be proportionate to the risk that an individual university represents from a regulatory perspective in relation to the chances of provider failure. It should not be made on the basis of the size of the university, as the Government will recognise that many of the medium and large size student population universities in England also number amongst the oldest and most successful.
- D) If we are to have a 'co-funded' regulatory model, then UK universities will need multiple board level seats to help oversee the governance and strategic activities of the Office for Students. There should be a duty on the Office for Students to find ways to reduce regulatory burdens over time that will allow subscription fees to be lowered.
- E) Universities should be given 'standard' opportunities to enter for a particular TEF level award on a periodic basis. If they are given a TEF Level Award judgment they are not happy with, they should have the option to apply for a further TEF level award assessment in a reasonable period of time, but they should pay a one-off fee for such a special re-assessment process to take place, in order to keep the general subscription fee universities pay to the Office for Students as low as reasonably possible.

Question 22:

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

Yes       No       **Not sure**

Please give reasons for your answer.

The proposals outlined briefly in the Green Paper in relation to managing risk in instances where required standards are not being met appear to be sensible, however as we don't have full details on the range of toolkit intervention measures and financial penalties potentially to be used, we don't have the certainty to say Yes here.

There should be a tool kit of corrective measures and penalty options for the Government to consider utilising in a proportionate manner well prior to the point where de-registration as a higher education institution would become the required action.

In King's view, it would be better that the Office for Students, rather than BIS, should be the responsible partner body the Secretary of State can direct to enter and inspect higher education institutions.

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

We would argue that there should be some degree of sector representation on any panel or body charged with making a recommendation to the Secretary of State about proposals to withdraw registration as a higher education institution or remove degree awarding powers.

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 proposal to exempt universities from the Public Body requirement to respond to requests under the Freedom of Information Act (2000) is welcome given universities increasingly generate their income from tuition fee income, not classified as public funding, and receive relatively small amounts of direct grant funding for teaching through the residual block grants when compared to the historical picture.

While we remain committed to the principle of being a highly transparent university, in the context of numerous regulatory requirements on information reporting, exemption from the Act would reduce our compliance cost burden considerably. It would also create a more level playing field with private providers which are not subject to Freedom of Information requests and are taking a greater role in higher education.

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

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

We believe that the Research Councils have a good track record of utilising public funding responsibly and in ways that generate substantial economic and social value. If Research UK is established its role should be to build on the strong fundamentals already in place, without the need for large-scale, costly reorganisation.

It could arguably send a stronger perceptual signal to businesses and other funders of innovation in the UK and the international knowledge economy if the overarching organisation were to be named '**Research and Innovate UK**' to demonstrate the parity that innovation and translational activities will be given in the new institutional landscape.

Any move to integrate the work of Innovate UK under the Research UK superstructure needs to be considered carefully to ensure that we create a cohesive, yet autonomous settlement. This would allow Innovate UK to continue to fund valuable business-led innovation activity through competitions while optimising the ability of Innovate UK and the Catapult Network to really reach into the system to pull the fruits of university-based research and development through to produce translational benefits for the economy through greater instances of collaborative working with universities and the Research Councils.

We need to ensure that the transition to a new institutional landscape brings with it a funding settlement for the UK research and innovation base that provides a genuinely sustainable basis, giving universities reasonable certainty to plan ahead.

We acknowledge that alongside recurrent research grants, university-centred translational activity, capital investment in university research infrastructure, and PhD training and researcher skills development over time, the Government has wider ambitions for Research UK and Innovate UK to fund dynamic innovation activity with businesses and strategically important 'national hub' developments such as the Francis Crick Institute, the Alan Turing Institute and the Rosalind Franklin Institute.

The funding architecture needs to evolve to give universities a reasonable amount of year to year certainty about the proportional amount of funding Research UK and the individual research councils will be channelling into grants, training and university-based infrastructure, out with of what it expects to route through recurrent and capital streams to Innovate UK and strategic national hub projects and the residual agility fund.

Question 25:

- a) What safeguards would you want to see in place in the event that dual funding was operated within a single organisation?
- b) Would you favour a degree of hypothecation to ensure that dual funding streams, along with their distinctive characteristics, could not be changed by that organisation?

Yes

No

**Not sure**

Please give reasons for your answer

We would argue that the Government's Ministerial Science and Research Committee and the Council for Science and Technology advisory group should help shape the development of a high-level funding settlement for Research UK in the form of a grant letter, not dissimilar to the HEFCE grant letter at present.



This should set out a basis for investment, through both REF-linked and Research Council streams, in fundamental and translational research awards, fellowships, PGR training, capital infrastructure and equipment, and subscriptions, as well as dedicated recurrent funding for national hubs and the announced 'agility fund'.

Such a grant letter should provide guidance that enables the positive features of the dual funding system for universities to be protected over time. There should clearly be a commitment in primary legislation for Research UK to publish clear breakdowns of how it allocates its budget across these respective activity areas.

There may be a case for the Government to looking at options for enshrining in legislation a commitment to funding the variety of activities under the dual funding system (or 'tripartite system' if indeed Innovate UK is folded into Research UK) in a balanced and sustainable way.

We would note for example the benefits of a dual approach to funding PGR training for example through both the REF-linked RDP Supervision Fund and the resources the Research Councils make available via DTS and CDTs/DTCs. This approach helps deliver a funding envelope for the sector that supports a talent pipeline across the breadth of disciplines. Protection for such distinctive characteristics would be welcome.

Question 26: What are the benefits of the REF to a) your institution and b) to the wider sector? How can we ensure they are preserved?

The REF process is very valuable to us, as it provides King's with a robust and independent review of our research. This allows us to take informed management actions to improve our quality. We would accept that the REF is more robust and less costly than if we were to do something similar ourselves.

It also provides policymakers with confidence that public investment in research is producing internationally competitive research with tangible impact.

We are however concerned that the funding system does need to be responsive to these improvements over time. King's was the most improved university at the last REF, and some analysis suggests that this was the biggest improvement of any university in the last 25 years.

We fully intend to make a further similar level of improvement, but we are concerned that these improvements will not be sustainable if there is too long a lag in the financial recognition and reward that follows through QR and other REF-linked funding streams.

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

We don't want to see major changes to the architecture and rules of the REF because this would result in universities having to invest time and money in ensuring the research community and research support staff are fully aware of the new arrangements.

To reiterate a point made earlier, once a 'mainstay' REF exercise has taken place, every 6 or 7 years, QR and other REF-linked funding allocations to universities should change more rapidly and substantially to reward universities that have made considerable improvements relative to others whose research excellence may have in fact been found to dip.

We are interested in hearing more in the Stern Review consultation about the proposals for a light-touch, voluntary REF refresh process at a certain point between 'mainstay' REF exercises. Clearly we need to ensure that this does not create significant additional time and cost burdens for universities but there could be merit in the proposal.

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

No comments to make.

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

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Thank you for your views on this consultation.

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

Please acknowledge this reply

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

Yes  No

**BIS/15/623/RF**