

## Higher Education and Research Bill: Public Bill Committee

### Written evidence from the University and College Union (UCU)

September 2016

1. The University and College Union (UCU) is the UK's largest trade union for academics and academic-related staff in higher and further education representing around 60,000 members working in UK universities. We also represent around 30,000 members working in further education (FE) colleges, many of whom also teach undergraduate and other HE courses. We welcome the opportunity to submit evidence to this committee.
2. The Higher Education and Research Bill proposes significant changes to the regulatory and financial framework of UK higher education. UCU is concerned that the proposals will not achieve the government's stated aim to improve the quality of, and access to, higher education in the interests of students.
3. **UCU recommends that the bill be halted** in light of the practical and political consequences of the EU referendum vote, and the high level of uncertainty which this is already causing for higher education institutions. We believe that the government should commission an immediate independent inquiry into how, following the referendum result, we can ensure that UK colleges and universities remain at the forefront of cutting-edge research and open to staff and students from around the world. The challenge of negotiating Brexit and resolving the uncertainties which it has generated will in itself involve major tasks and responsibilities for both government and universities. These should surely take priority over the implementation of what UCU argues below is a flawed and unnecessary piece of proposed legislation

#### The case for halting the bill

4. The vote for Brexit has fundamentally altered both the domestic and international landscape within which our universities operate. When this bill was conceived, the UK was within the European Union, and government policy was for it to remain so. Government policy has now shifted to planning for the UK's withdrawal from the EU, and this will have major consequences for universities.

5. The domestic political fallout of the referendum has resulted in a new government and a reshaped Whitehall with responsibility for universities now based in two departments. Higher education now sits in the Department for Education (DfE), while science and research will be retained at the refashioned Department for Business, Energy and Industrial Strategy (BEIS). Although the higher education minister will straddle both departments, the split entrenches an unhelpful division between teaching and research which undermines their actual interdependence, which is one of the key attractions of UK higher education, including for overseas students. Universities are now required to negotiate a more complex policy landscape - an issue compounded by the creation of two new regulatory and funding bodies (the Office for Students and UK Research and Innovation) in the bill.
6. UK higher education also has an interdependent relationship with the EU, so Brexit has raised major questions regarding the future shape of our academic workforce, the student body and our research relationships outside the UK.
7. Approximately 15% of the UK's current academic workforce is drawn from other EU countries<sup>1</sup>. Despite calls for urgent clarity on the long-term right to remain of EU nationals currently working the UK, no such assurances have yet been given. This significant proportion of the academic workforce therefore remains vulnerable to decisions taken during Brexit negotiations.
8. UK universities rely on the significant income stream from EU students paying tuition fees. Over 124,000 students from other EU countries studied at UK universities in 2014/15, around 5% of the total student population.<sup>2</sup> EU students currently pay the same as UK-domiciled students, but Brexit could mean they become subject to higher fees, which may in turn reduce the number of students wishing to study in the UK. At the time of writing, the minister has only given guarantees on fee levels for EU students for the 2016/17 academic year. This leaves real uncertainty for both current and potential students, who will be taking decisions about study in the UK with at least a 3-4 year planning horizon.
9. A survey of international students by Hobson's International<sup>3</sup> has suggested that the tone of the referendum campaign, and the increase in racist and xenophobic attacks reported since the result was announced, may be off-putting to potential new international students. This is seriously worrying since 23% of teaching income in 2014-15 came from non-EU tuition fees<sup>4</sup>, meaning that a fall in international student demand could have a significant financial impact on institutions. Instead of introducing new regulations, the government priority should be to help universities

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<sup>1</sup> Universities UK, July 2016: <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/uuk-parliamentary-briefing-4-July-2016.pdf>

<sup>2</sup> HESA, *Statistical First Release 224*, Table 1:

[https://www.hesa.ac.uk/index.php?option=com\\_content&view=article&id=1897&Itemid=634](https://www.hesa.ac.uk/index.php?option=com_content&view=article&id=1897&Itemid=634)

<sup>3</sup> Report of survey findings in Financial Times, 28 July 2016: <http://www.ft.com/cms/s/0/c179cb10-53f3-11e6-9664-e0bdc13c3bef.html#axzz4FgGnUeiA>

<sup>4</sup> Universities UK, *University Funding Explained*, July 2016: <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/university-funding-explained.pdf>

to focus on the retention and recruitment of overseas students in order to avoid severe funding deficits.

10. A significant proportion of university research income is also drawn from the EU. According to Universities UK <sup>5</sup>, our universities attracted over £836 million in competitive research grants and contracts from EU sources. This represents 14.2% of all income from research grants and contracts in that year, supporting 8,864 academic jobs.
11. It is unclear whether the UK will retain access to the EU research programme Horizon 2020 or its post-Brexit successor, but the uncertainty surrounding the UK's involvement is already leading to reports of UK researchers being discriminated against or dropped from EU research partnerships<sup>6</sup>. We know that EU nationals are considering basing future research projects and partnerships in other EU countries, while broader international partnership projects are also considering whether UK researchers remain viable partners, with anecdotal reports that UK staff are being instructed not to put their names on grant applications.
12. While the minister's statement on 13 August underwriting funding for successful Horizon 2020 projects is welcome, it was not made clear whether this funding pledge represents money additional to the existing domestic research budget. Since the overall timescale and nature of the UK's withdrawal from the EU also remains unclear, this will continue to generate caution and uncertainty.
13. Taken together then, the practical and financial implications of the Brexit vote are significant and potentially very destabilising for universities. In this climate of uncertainty, UCU strongly believes that the further upheaval of wide-ranging changes outlined in the bill would be unhelpful.
14. We believe that the government should:
  - a. Halt the bill
  - b. Establish as a matter of urgency, and in consultation with university leaders and UCU as representative of academic and related staff, the desired outcomes for UK universities within any Brexit negotiations
  - c. Defer any new, untested and potentially damaging actions to the sector until the broader political context is clear
  - d. Consider, again in consultation with university leaders and staff representatives, what conditions are necessary in this new environment for the UK to remain at the forefront of cutting edge international research and continue to attract international staff and students to work and study.

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<sup>5</sup> Universities UK, *Economic impact on the UK of EU research funding to UK universities*, June 2016:

<http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/economic-impact-of-eu-research-funding-in-uk-universities.pdf>

<sup>6</sup> <https://www.theguardian.com/education/2016/jul/12/uk-scientists-dropped-from-eu-projects-because-of-post-brexit-funding-fears>

## UCU's concerns about the Higher Education and Research Bill

### Competition, student choice and challenger providers

15. UCU rejects the assertion in the white paper, *Success as a Knowledge Economy*, that “insufficient competition and a lack of informed choice” are the primary weaknesses of the higher education system in England, and that opening up the market to new providers will drive improvements in quality.
16. However, the white paper's reference to dissatisfaction amongst students – a key driver for these reforms - is based on statistics which also show strong correlation between the introduction of £9,000 fees and declining perceptions of value for money amongst students<sup>7</sup>. This suggests that the reasons for dissatisfaction include the increasing cost of tuition, which will only continue to rise as a result of the bill's proposals.
17. Market-based reforms in the UK and US to date have led to several high-profile examples of worse outcomes and value for students, employers and taxpayers<sup>8</sup>. Research by Paul Temple and Claire Callender<sup>9</sup> has also shown how market forces can change institutional priorities in ways that may not be beneficial for students. Competition increases the pressure on providers to spend money on attracting students rather than on front-line delivery (e.g. through capital spending on new buildings and facilities, or intensive recruitment policies). In the US, for example, competition between providers has led to increased spend on marketing and recruitment, with for-profit institutions spending 22.7% of revenue on this area – 5% more than is spent on teaching.<sup>10</sup>
18. The pressure of competition has led UK universities to invest increasingly heavily in developing their physical campuses, often through significant borrowing. Dealogic has estimated that \$1.39bn of UK higher-education bonds were sold into global capital markets in 2015, the highest level on record.<sup>11</sup> HEFCE has warned that reducing liquidity and the increased level of borrowing in higher education is unsustainable in the long term<sup>12</sup>. Recent research from the Higher Education Policy Institute has also shown that students would prefer institutions to spend less on buildings and facilities<sup>13</sup> and more on investment in teaching. This suggests that the most helpful way for government to address student 'dissatisfaction' (see 16 above)

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<sup>7</sup> [http://www.hepi.ac.uk/wp-content/uploads/2015/06/AS-PRINTED-HEA\\_Student-Academic-Experience-Survey-Report\\_PRINT3.pdf](http://www.hepi.ac.uk/wp-content/uploads/2015/06/AS-PRINTED-HEA_Student-Academic-Experience-Survey-Report_PRINT3.pdf)

<sup>8</sup> American Federation of Teachers [http://www.aft.org/sites/default/files/hied\\_toobigtofail2016.pdf](http://www.aft.org/sites/default/files/hied_toobigtofail2016.pdf)

<sup>9</sup> <https://www.heacademy.ac.uk/resource/managing-student-experience-shifting-higher-education-landscape>

<sup>10</sup> US Senate Committee on Health, Education, Labor and Pensions, *For Profit Higher Education: The Failure to Safeguard the Federal Investment and Ensure Student Success*, July 2012

[http://www.help.senate.gov/imo/media/for\\_profit\\_report/Contents.pdf](http://www.help.senate.gov/imo/media/for_profit_report/Contents.pdf)

<sup>11</sup> Financial Times, *University Challenge; the race for*

<sup>12</sup> HEFCE, *Financial health of the higher education sector*, Nov 2015

[http://www.hefce.ac.uk/media/HEFCE,2014/Content/Pubs/2015/201529/HEFCE2015\\_29.pdf](http://www.hefce.ac.uk/media/HEFCE,2014/Content/Pubs/2015/201529/HEFCE2015_29.pdf)

<sup>13</sup> HEPI / HEA, *Student Academic Experience Survey 2016*, June 2016 <http://www.hepi.ac.uk/wp-content/uploads/2016/06/Student-Academic-Experience-Survey-2016.pdf>

is to provide a framework which encourages universities to focus resources and support directly on the core activity of teaching and those who do it.

**19. Suggested areas for amendment:**

- a. **Remove the duty on the Office for Students to encourage competition (clause 2).**

**New providers and deregulation**

20. Making it easier for new private providers to obtain degree-awarding powers is at odds with the primacy of academic quality and the protection of students' interests, since new institutions will not have to prove their quality and robustness through building up a track record. Those in favour of the reforms may point to the protection of having a probationary period but this would in fact allow institutions to fail to meet required standards, and to teach and award substandard degrees, with students exposed to poor quality provision.
21. If commercial providers are allowed a quick, low-quality, route into establishing universities and awarding degrees, those studying and working in the sector are seriously vulnerable to the threat from for-profit organisations looking to move into the market for financial gain rather than any desire to provide students with a high quality education and teaching experience.<sup>14</sup> This whole approach seems at odds with the bill's declared commitment to student interests.

**Previous attempts to act on and regulate private providers**

22. According to the former Department for Business, Innovation and Skills' (BIS) own figures<sup>15</sup>, since 2010, the number of alternative providers designated for student support has risen from 94 in 2010 to 122 in 2014/15, with student support funding rising from £43.2 million to over £600 million in the same time. BIS projected that the number of institutions would rise to 145 by 2018/19 and to 311 by 2027/28, as money available to these institutions also rises exponentially.
23. The National Audit Office reported in 2014<sup>16</sup> on concerns about abuses of the student loans system by for-profit providers and found that:
  - a. EU students at some alternative providers claimed or attempted to claim student support they were not entitled to.
  - b. Dropout rates at nine alternative providers were higher than 20% in 2012/13. By comparison, the average dropout rate across the higher education sector was 4%.

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<sup>14</sup> THE on QAA report <https://www.timeshighereducation.com/news/quality-assurance-agency-reviews-raise-questions-over-sector-expansion-plans>

<sup>15</sup> BIS impact assessment on HE Bill [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524517/bis-16-264-he-research-bill-impact-assessment.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524517/bis-16-264-he-research-bill-impact-assessment.pdf)

<sup>16</sup> NAO report <https://www.nao.org.uk/report/investigation-financial-support-students-alternative-higher-education-providers-2/>

- c. 20% of Higher National students recruited by alternative providers, and claiming student support, may not have been registered with the qualification awarding body in 2012/13
  - d. Between 2012 and 2014, BIS suspended payments to seven providers over concerns that they had enrolled students on to unapproved courses.
24. The Public Accounts Committee published a report in February 2015<sup>17</sup> which strongly criticised BIS officials for repeatedly ignoring warnings about the for-profit sector from UCU and others. The chair at the time, Margaret Hodge MP, said: 'Between 2010/11 and 2013/14, there was an extraordinary rise in the number of students claiming support for courses at alternative providers, from 7,000 to 53,000. The department pressed ahead with the expansion of the alternative provider sector without sufficient regulation in place to protect public money.'
25. The committee also observed a number of problems around funding for alternative providers:
- a. half of the expansion during the period they investigated was due to only five colleges; a fact that should have triggered more stringent quality assurance, or a limit on student numbers
  - b. despite the stated aim of expanding provision to students in England, 40% of publicly-funded students attending alternative providers came from the EU (compared with 6% overall), and BIS's record of collecting loan repayments from EU students outside of the UK was noted to be poor
  - c. whistleblowers from the alternative provider sector reported that students were being recruited on the streets. A practice heavily criticised in the US for-profit sector and alien to the UK university sector.
26. The rapid growth in private provision has created problems rather than solving them. In November 2013, BIS was forced to take steps to stop private providers recruiting any more students<sup>18</sup>. Having opened up the market to these companies without a proper regulatory system in place, it had to suspend the designation of 23 private colleges, stopping them recruiting students, since proper checks had not been carried out.
27. The Student Loans Company<sup>19</sup> reported in August 2015 that only £280,000 of £2.45m in loans and grants incorrectly issued to students at alternative providers had been repaid.

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<sup>17</sup> PAC report <https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/news/report-financial-support-for-students-at-alternative-higher-education-providers/>

<sup>18</sup> <https://www.theguardian.com/education/2013/nov/28/government-stops-colleges-taking-new-students>

<sup>19</sup> <http://www.telegraph.co.uk/education/educationnews/11818413/Taxpayers-owed-millions-from-loans-wrongly-given-to-foreign-students.html>

## Problems in America: lessons not learnt

28. Student debt at private college in America has been described by the American Federation of Teachers<sup>20</sup> as student debt on steroids - bigger and badder: "Bigger because nearly all the tuition at for-profits comes directly from student loans. Badder because many for-profits fail to provide high-quality education despite raking in billions in federal financial aid, failing their students and, ultimately, the taxpayers".
29. UCU has consistently warned that the government is in danger of opening the floodgates to a repetition of history and appears determined to learn nothing from US examples, the most recent of which has been presidential candidate Donald Trump's own private university being accused of defrauding students out of millions of dollars<sup>21</sup>.
30. The government's own advisor, Dame Alison Wolf<sup>22</sup>, has warned of an impending 'American-style catastrophe' should the current proposals take effect, stating her concerns that the number of poor quality colleges would increase, the reputation of higher education could be damaged and students risk using their student loans to obtain worthless degrees.

## Robust regulation is needed to protect students and the sector

31. The recent rate and scale of expansion of the higher education sector is evidence that the current regulatory system is not a significant barrier to market entry. Government should therefore be looking to reform the system from the perspective of protecting students and quality and looking towards a process of levelling up not levelling down as is currently proposed.
32. A robust gateway into the sector is essential to protect the reputation of the higher education sector and maintain its quality, both of which are crucial to recruiting students and meeting their needs and expectations. This is why we argue that the government is going in the wrong direction with its proposals to water down the current regulatory system.
33. While UCU recognises that some alternative providers have reported difficulties in establishing validating partnerships, this is not a reason to remove the 'track record' requirement currently in place which requires institutions to have been part of a validating agreement for a minimum period before applying for full degree-awarding powers. The focus should be on streamlining the process for matching alternative providers with validating partners rather than removing this requirement entirely.

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<sup>20</sup> [http://www.aft.org/news/new-report-looks-regulating-profit-colleges?link\\_id=12&can\\_id=3262260ff224ef8a388bf3e3d7bda6f1&source=email-no-more-2&email\\_referrer=no-more-2&email\\_subject=no-more](http://www.aft.org/news/new-report-looks-regulating-profit-colleges?link_id=12&can_id=3262260ff224ef8a388bf3e3d7bda6f1&source=email-no-more-2&email_referrer=no-more-2&email_subject=no-more)

<sup>21</sup> <http://www.nationalreview.com/corner/432010/trump-university-scam>

<sup>22</sup> <https://www.theguardian.com/education/2016/mar/20/tory-plan-worthless-degrees>

**34. Suggested areas for amendment:**

- a. Halt further deregulation of higher education and instead introduce more stringent requirements on new providers - especially those operating on a for-profit basis - before they are able to access the full level of tuition fee funding, grant funding or be granted degree-awarding powers. This should include retention of a minimum validation period before full degree-awarding powers are granted.
- b. Investigate the removal of minimum student numbers from the criteria for university title, as this likely to result in increased fragmentation of the sector due to the number of small institutions opening (clause 52)
- c. Oppose the removal of Privy Council involvement in the granting of English university titles, and the transfer of these powers to the OfS, a body entirely appointed and overseen by the Secretary of State. This will remove a key level of parliamentary scrutiny which UCU believes is crucial to protecting quality and student and staff interests in the higher education sector (clauses 51 and 53).

**Tuition fees and teaching excellence**

35. UCU, like many university leaders, opposes the government's plans to raise tuition fees and link variable rises to a rating system for university teaching, as outlined in Schedule 2 of the bill, and the related section 25.
36. Graduate debt in the UK is already amongst the highest in the world, and average tuition fees at UK institutions are the highest in OECD countries<sup>23</sup>. The Sutton Trust report *Degrees of Debt*<sup>24</sup>, which looked at higher education costs in English-speaking countries, shows that UK students currently graduate with more debt from tuition and maintenance loans than students in any other Anglophone country.
37. Further raising the total cost of higher education to the individual risks putting more young people off attending university. A ComRes survey of young people's perceptions of higher education found that cost and lack of a guaranteed graduate job were the two biggest reasons cited for not wishing to enter higher education.<sup>25</sup> When asked why they did not want to go to university, over one third (36%) of respondents said that university is 'too expensive', while a quarter (26%) cited a desire to avoid debt. Concerns about debt were more common amongst young women (31%) than young men (22%). At a moment when the government has publicly raised concerns about the problems caused by inequality, UCU is concerned that further fee rises will only reinforce existing divisions.

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<sup>23</sup> OECD, *Education at a Glance*, (Chart B5.2), Sep 2015: [http://www.keepeek.com/Digital-Asset-Management/oecd/education/education-at-a-glance-2015\\_eag-2015-en#page267](http://www.keepeek.com/Digital-Asset-Management/oecd/education/education-at-a-glance-2015_eag-2015-en#page267)

<sup>24</sup> Sutton Trust, *Degrees of Debt*, April 2016: <http://www.suttontrust.com/wp-content/uploads/2016/04/DegreesofDebt.pdf>

<sup>25</sup> ComRes/UCU, *Young people's perceptions about post-18 education and training options*, Dec 2014: [https://www.ucu.org.uk/media/6949/Young-peoples-perceptions-about-post-18-education-and-training-options--ComRes-report-for-UCU-Dec-14/pdf/ucu\\_comres\\_youngpeoplesperceptionsaboutpost18\\_dec14.pdf](https://www.ucu.org.uk/media/6949/Young-peoples-perceptions-about-post-18-education-and-training-options--ComRes-report-for-UCU-Dec-14/pdf/ucu_comres_youngpeoplesperceptionsaboutpost18_dec14.pdf)

38. UCU therefore rejects the proposal that fees should be allowed to rise further in line with inflation, and instead calls on government to mitigate any real-terms loss of income due to inflation through the annual funding allocation to institutions. UCU has previously advocated a business education tax model<sup>26</sup>, which would raise the level of corporation tax to the G7 average in order to contribute towards the cost of higher education. This would ensure that business pays its fair share for the supply of skilled graduates on which it relies.
39. UCU is further concerned that the proposed Teaching Excellence Framework (TEF)- the system by which institutions would achieve the ‘high level quality rating’ outlined in the bill – is:
- a. based on flawed metrics (accepted by government as useful guides to quality, despite an extensive range of research and professional critiques which challenge that view)
  - b. unhelpful in failing to address many of the workforce issues which impact on quality in universities; and
  - c. not subject to adequate parliamentary scrutiny.
40. UCU supports a system of quality assessment which is based primarily on peer review rather than quantitative measures which cannot by their nature account for context.
41. UCU furthermore believes that the employment model used in universities, which relies extensively on temporary teaching, has a direct impact on quality but this is not addressed by the TEF. Despite the best efforts of the many excellent temporary teachers, the current situation is not sustainable.
42. Temporary contract working is endemic across UK higher education, with 69,000 (43%) out of a total of 161,000 contracted academic staff on non-permanent contracts. Among 40,000 teaching only staff, 29,435 (73%) have non-permanent contracts.<sup>27</sup> These figures do not include the 75,000 so-called atypical academic staff who are also largely engaged in teaching but who are usually employed only on an “as and when” basis and have little access to career development or other scholarship opportunities.<sup>28</sup> Job insecurity also impacts on the quality of the student learning experience, for example, on marking and assessment processes and the opportunities for staff on casual contracts to access professional development.<sup>29</sup>

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<sup>26</sup> UCU / Compass, *In place of fees; time for a business education tax?*, March 2010

<https://www.ucu.org.uk/BET>

<sup>27</sup> [https://www.ucu.org.uk/media/7995/Precarious-work-in-higher-education-a-snapshot-of-insecure-contracts-and-institutional-attitudes-Apr-16/pdf/ucu\\_precariouscontract\\_hereport\\_apr16.pdf](https://www.ucu.org.uk/media/7995/Precarious-work-in-higher-education-a-snapshot-of-insecure-contracts-and-institutional-attitudes-Apr-16/pdf/ucu_precariouscontract_hereport_apr16.pdf)

<sup>28</sup> [https://www.ucu.org.uk/media/7995/Precarious-work-in-higher-education-a-snapshot-of-insecure-contracts-and-institutional-attitudes-Apr-16/pdf/ucu\\_precariouscontract\\_hereport\\_apr16.pdf](https://www.ucu.org.uk/media/7995/Precarious-work-in-higher-education-a-snapshot-of-insecure-contracts-and-institutional-attitudes-Apr-16/pdf/ucu_precariouscontract_hereport_apr16.pdf)

<sup>29</sup> Colin Bryson, Supporting sessional teaching staff in the UK <http://ro.uow.edu.au/jutlp/vol10/iss3/2/>

43. We are also concerned that increased workloads have an impact on the quality of teaching delivered. A recent survey of UCU members in higher education<sup>30</sup> reported that academics are working an average of 50.9 hours per week, and teaching staff reported a severe increase in their workload over the last three years. More than a quarter (28.8%) of staff reported that their workload was unmanageable all or most of the time.
44. The government's proposals to link the TEF to tuition fees will create a high-stakes system, placing additional bureaucratic pressures on teaching staff and potentially leading to unintended consequences such as curriculum narrowing as institutions focus on those subject areas which are more financially lucrative.
45. **Suggested areas for amendment:**
- a. **Prevent any further rise in tuition fees (schedule 2), especially where this is linked to proposed assessment of teaching quality, and require government to mitigate any real-terms inflationary loss of university income through grant funding.**
  - b. **Ensure the full TEF criteria upon which any variation in tuition fees may be based be subject to full parliamentary scrutiny.**

#### **Office for Students, regulatory structures and staff representation**

46. We are concerned that the proposed Office for Students (OfS) will become a government-led body, rather than one which reflects the real interests of students or staff. In particular, we note the absence of detailed information within the bill or white paper on its governance structure. It is crucial in our view that the principle of keeping bodies like the OfS independent from day-to-day political and governmental interference which has served higher education well should not now be abandoned.
47. There should be proper student and staff representation on the main governing body of the OfS, and increased consultation with the higher education workforce on key elements of the regulatory framework.
48. There are also opportunities with the creation of a new body for an increased emphasis on important workforce issues like insecure contracts and student: staff ratios which directly impact upon quality and the student experience, but which the Higher Education Funding Council for England (HEFCE) has had a poor record in either analysing or addressing.
49. **Suggested areas for amendment:**
- a. **Inclusion of more robust stipulations concerning the governance structure of the OfS (Schedule 1, clause 2), to include at least one representative from the academic workforce. We would also like a specific reference to consultation**

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<sup>30</sup> UCU Workload Survey 2016, June 2016: [https://www.ucu.org.uk/media/8196/Executive-summary---Workload-is-an-education-issue-UCU-workload-survey-report-2016/pdf/ucu\\_workloadsurvey\\_summary\\_jun16.pdf](https://www.ucu.org.uk/media/8196/Executive-summary---Workload-is-an-education-issue-UCU-workload-survey-report-2016/pdf/ucu_workloadsurvey_summary_jun16.pdf)

with staff representatives on the OfS duties outlined in clauses 14, 59 and 67 (similarly in schedules 4 and 6)

- b. In clause 59, there is also an opportunity to strengthen the reporting requirements on higher education providers to include key workforce data which would assist in ensuring a sustainable sector; this may, for instance, include information on insecure contracts and on student: staff ratios
- c. Strengthen the duty of regard for the protection and maintenance of academic freedom wherever it is referenced in the bill (clauses 2, 35, 66, 69).

### **Access, widening participation and social mobility**

- 50. UCU has been a strong supporter of the work of Office of Fair Access (OFFA) in encouraging institutions to take widening participation seriously. We are very concerned that the previous good work of OFFA will be watered down if it is subsumed within the proposed OfS.
- 51. Between 2010/11 and 2014/15, the number of UK/EU part-time undergraduate entrants fell by 143,000, a decrease of 55%<sup>31</sup>. The massive drop in part-time enrolment is one of the major higher education policy failures of recent years. The proposals in the legislation do not adequately address how we promote fair access for part-time students and we have called for part-time and postgraduate student issues to be included as part of the remit of the new social mobility advisory group.
- 52. Retention in universities is disproportionately a problem for students from disadvantaged groups, and attention needs to be given to the role of staff in reducing dropout rates.
- 53. Again, in both these areas higher education policy needs to be aligned with the Prime Minister's stated concerns about inequality.
- 54. Staff are concerned about how the current university admissions system works. In a survey<sup>32</sup> of admissions staff working both in universities and colleges, 70% backed a complete overhaul of the system to allow prospective students to apply for university after they receive their exam results – a so called Post Qualification Admissions (PQA) system.
- 55. **Suggested areas for amendment:**
  - a. **Include a requirement on the OfS to conduct a review of the current system of university admissions and explore alternative models, including Post Qualification Admissions**
  - b. **Extend the requirement for access and participation plans to cover all registered providers in receipt of public funding for teaching (clause 12)**

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<sup>31</sup> It's the finance stupid! The decline of part-time higher education and what to do about it

[http://www.hepi.ac.uk/wp-content/uploads/2015/10/part-time\\_web.pdf](http://www.hepi.ac.uk/wp-content/uploads/2015/10/part-time_web.pdf)

<sup>32</sup> <https://www.ucu.org.uk/thecaseforpqa>

- c. specific duties on the OfS and institutions to promote part-time and mature study in order to address the decline in this area since fees were introduced**

## **Research and innovation**

56. We welcome proposals to protect the dual support system, but it is unclear whether these arrangements will be sufficient to prevent ministerial interference in the research funding process, as this will be left entirely to UKRI and the Secretary of State.
57. We are also concerned about the institutional separation between research and teaching within the new structure and call for the UKRI's remit to include the promotion of sustainable research careers, and awareness of the damaging effects of precarious employment on the quality of research.
58. No provision is made in the legislation to meet the infrastructure funding needs which serve both teaching and research, such as libraries, IT systems, and laboratories. We would also like to see the establishment of a specified role for research and teaching communities to influence strategic capacity building which straddles research and teaching.
59. UCU has previously called for a more fundamental review<sup>33</sup> of current research policy than the proposals outlined in the current legislation. However, in the absence of a wider review, we call for additional protections for the block grant element of research funding and for research-teaching links to be made essential criteria in both the TEF and the Research Excellence Framework (REF).
60. **Suggested areas for amendment:**
- a. Detailed parliamentary scrutiny of the bill's provisions for the dual support system of research funding is required to ensure that they are robust.**
  - b. Introduce a duty to consult with relevant research communities including research staff regarding the funding system, and the structure and functions of UKRI.**

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<sup>33</sup> <https://www.ucu.org.uk/article/7322/Report-calls-for-university-research-overhaul>

## ANNEX A

### Case studies of recent criticism of private providers

#### West London Vocational Training College

The private institution had its designation for student support funding revoked in June 2016 following a Quality Assurance Agency (QAA) report<sup>34</sup> which stated that the West London Vocational Training College (WLVT):

- “failed to establish the authenticity of all applicants' academic qualifications”
- admitted some students who were “not demonstrably qualified” to enter their course
- admitted some students who “had not demonstrably met the English language proficiency requirements for entry”
- admitted some students after qualifications awarding body Pearson had blocked it from registering new entrants

#### Sussex Coast College, Hastings

In May 2015 the QAA published a report<sup>35</sup> into the higher national certificate course in business management at Sussex Coast College Hastings via distance learning in partnership with private company Acquire Learning. Acquire had approached the college in April 2014, and by July 2014 students were being enrolled onto the course. Acquire Learning acted as a recruitment agency, providing guidance at the application stage, and making offers to students. Part-time student numbers grew from 144 to 648 in six months. The QAA found there was a poor retention rate of between 31 and 48 per cent and that the recruitment, selection and admissions processes had significant weaknesses.

#### London School of Business and Finance

In October 2015 another QAA report<sup>36</sup> into London School of Business and Finance was published and found that the college did not meet UK expectations of quality for Higher National students. The college admitted students “who could not complete their programmes, either because they could not meet the academic requirements of the programme or lacked effective English language skills.” The Home Office confirmed in February 2016 that LSBF’s tier 4 license had been revoked, affecting some 350 non-EU international students currently studying at the college.

#### St Patrick International College

St Patrick’s, one of England’s biggest private colleges (where students received £259 million worth of loans in three years), was criticised earlier this year by QAA for falling short

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<sup>34</sup> QAA report – West London Vocational Training College

<http://www.qaa.ac.uk/en/ReviewsAndReports/Documents/West%20London%20Vocational%20Training%20College%20Ltd/West-London-Vocational-Training-College-Ltd-Alperton-Concerns-16.pdf>

<sup>35</sup> QAA report – Sussex Coast College

<http://www.qaa.ac.uk/en/ReviewsAndReports/Documents/Sussex%20Coast%20College%20Hastings/Sussex-Coast-College-Hastings-Concerns-15.pdf>

<sup>36</sup> <https://www.timeshighereducation.com/news/lsbf-fails-meet-standards-sub-degree-courses>

expectation on quality and enhancement of student learning opportunities. This follows on from another highly critical report<sup>37</sup> in 2015.

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<sup>37</sup> <https://www.timeshighereducation.com/news/qaa-upholds-two-out-of-six-concerns-about-st-patricks/2020051.article>