Written evidence submitted by the Russell Group (HERB 18)

About Us

The Russell Group represents 24 leading UK universities which are committed to maintaining the very best research, an outstanding teaching and learning experience and unrivalled links with business and the public sector. The aim of the organisation is to help ensure that our universities have the optimum conditions in which to flourish and continue to make social, economic and cultural impacts through their world-leading research and teaching. We provide strategy, policy development, intelligence, communications and advocacy for our member institutions:

University of Birmingham
University of Bristol
University of Cambridge
Cardiff University
Durham University
University of Edinburgh
University of Exeter
University of Glasgow
Imperial College London
King’s College London
University of Leeds
University of Liverpool
London School of Economics and Political Science
University of Manchester
Newcastle University
University of Nottingham
University of Oxford
Queen Mary University of London
Queen’s University Belfast
University of Sheffield
University of Southampton
University College London
University of Warwick
University of York
Introduction

1. We share the Government’s desire to strengthen the UK’s world-class higher education system. Russell Group universities deliver outstanding research hand in hand with excellent teaching – and this is central to the student experience they provide.

2. We support the Government’s commitment to maintain and build on the world-class research and innovation taking place at our leading universities. However, the Government should be careful about making any substantial changes to a successful system that allows us to punch above our weight internationally.

Guidance notes

3. For each amendment we have indicated new text (underlined) alongside the original text and a short explanatory note (summary in Annex A). Where specific text amendments are not indicated, we would look for clarity from Government on how issues we have highlighted will be addressed.

Key points

4. Our proposed amendments to the Bill address our concerns regarding the following themes:

Autonomy

5. Maintaining academic freedom and institutional autonomy are critical as these are paramount to the ongoing success of our universities. These issues arise in a number of clauses around standards, authorisations in relation to university title and degree awarding powers and in how the new Office for Students (OfS) may exercise its regulatory powers.

Research

6. Legislative protection for the dual support system of research funding is particularly welcome, although how the principle of ‘reasonable balance’ in funding for the Research Councils and Research England is determined will be critical. The combination of stable core funding and competitively awarded grants ensures the diversity and breadth of research in the UK.

7. It is important that UK Research and Innovation (UKRI) and its constituent Councils are strong and effective bodies in their own right to ensure research and innovation continue to be a key strength within universities and for the UK as a whole.

Maintaining links between teaching, research and innovation

8. Excellent teaching and research are fundamentally linked within universities. The mechanisms and legislation which will underpin how the OfS and UKRI work together will therefore need to be considered carefully in order to prevent a split occurring between teaching and research.

Costs

9. We are concerned about the potential costs of the OfS and how these will be shared between the bodies it regulates in a way that will be risk-based and proportionate.
Part 1 – The Office for Students

Clause 2.3 General duties

10. We welcome the intention to protect academic freedom in this clause and elsewhere in the Bill. In Clause 35 there is a ‘duty’ on the OfS to protect academic freedom and it would be appropriate to use the same language in clause 2.3 in relation to the Secretary of State.

Clause 9 Mandatory transparency condition for some providers

11. To paint a full picture, university admissions data needs to be accompanied by information on contextual factors such as the prior achievement of applicants and the entry requirements for courses. The transparency duty could be improved by including a requirement that, where data is published, appropriate context is provided.

Clauses 13 and 23

12. There are links between these two clauses relating to standards that should be considered together – explanatory notes on the proposed changes are at the end of this section.

Clause 13 Other initial and ongoing registration conditions

Original text:

(1) The initial or ongoing registration conditions may, in particular, include—

(a) a condition relating to the quality of, or the standards applied to, the higher education provided by the provider (including requiring the quality to be of a particular level or particular standards to be applied);

(2) For the purposes of subsection (1)(a), “standards” means the standards used by an institution to ascertain the level of achievement attained by a student undertaking a higher education course provided by it.

Proposed text:

(2) For the purposes of subsection (1)(a), “standards” means the threshold standards used by an institution to ascertain that the level of achievement attained by a student undertaking a higher education course provided by it, is sufficient to merit the award of a degree or other higher qualification.

Clause 23 Assessing the quality and standards of higher education

Original text:

(1) The OfS may assess, or make arrangements for the assessment of, the quality of, and the standards applied to, higher education provided by English higher education providers.

(2) But the OfS must assess, or make arrangements for the assessment of, the quality of, and the standards applied to, higher education provided by—

(a) institutions who have applied to be registered in the register for the purposes of determining whether they satisfy any initial registration condition applicable to them relating to the quality of, or standards applied to, higher education provided by them (see section 13(1)(a)), and
(b) registered higher education providers for the purposes of determining whether they satisfy any ongoing registration condition of theirs relating to the quality of, or standards applied to, higher education provided by them (see section 13(1)(a)).

(3) “Standards” has the same meaning as in section 13(1)(a)

Proposed text:

(1) The OfS may assess, or make arrangements for the assessment of, the quality of, and the processes for determining standards applied to, higher education provided by English higher education providers.

(2) But the OfS must assess, or make arrangements for the assessment of, the quality of, and the processes for determining standards applied to, higher education provided by—

(a) institutions who have applied to be registered in the register for the purposes of determining whether they satisfy any initial registration condition applicable to them relating to the quality of, or standards applied to, higher education provided by them (see section 13(1)(a)), and

(b) registered higher education providers for the purposes of determining whether they satisfy any ongoing registration condition of theirs relating to the quality of, or standards applied to, higher education provided by them (see section 13(1)(a)).

(3) “Standards” has the same meaning as in section 13(1)(a)

Explanatory notes:

13. Clause 13(1)(a) defines standards in higher education quite broadly and would include the standards used to decide the different levels of classification of awards for a degree course.

14. Clause 23 gives the OfS powers to assess quality and standards applied to higher education, which goes beyond the current remit of HEFCE. Reference is made to the Clause 13 definition. This broad definition of “standards” would require the OfS to be involved in decisions about academic standards which are properly for universities themselves to make as autonomous institutions.

15. International evidence clearly demonstrates that institutional autonomy (organisational, staffing, financial and academic autonomy) is a critical feature of successful universities and this is vital for maintaining the competitiveness of the UK higher education system. The Bill must ensure that institutional autonomy is protected as a core principle.

16. Our proposed amendment would limit the powers of the OfS to assessing whether an institution has appropriate procedures in place for determining the standards required (in particular the threshold standards) to ensure it is awarding degrees or other higher education qualifications to students who have demonstrated achievement at that level. Within the current Quality Assurance Agency Quality Code there is in any case a suite of benchmark statements on standards which set out the threshold required for the award of qualifications in each subject area. As part of the assessment of quality, judgements can be made about the means by which institutions assure themselves that these thresholds are met and exceeded. Necessary academic autonomy to make other judgements could therefore be maintained by the university.
Clauses 14 and Clause 13.1(b) Public interest governance condition

17. Clause 14 gives the OfS the power to publish a set of principles to be met by the governing bodies of English higher education providers, while clause 13(b) allows the OfS to make compliance with these principles a condition for initial and ongoing registration. The intention to consult with higher education providers before determining or revising these principles is welcome (14.8), as is the principle of academic freedom (14.7). However, we are concerned that the importance of institutional autonomy has not been similarly recognised. Universities must retain the freedom to appoint their own governors and governing bodies; this is central to the ability of universities to determine their own strategic direction and remain competitive globally. In 14.8 we would also recommend that higher education providers themselves are added to the list of required consultees as well as ‘bodies representing’ the interests of HE providers.

Clause 40 Authorisation to grant degrees

Original text:

(1) The OfS may by order authorise—

(a) a registered higher education provider to grant taught awards or research awards or both;
(b) a qualifying further education provider to grant foundation degrees.

Proposed text:

(1) The OfS may by order authorise—

(a) a registered higher education provider to grant taught awards or research awards or both;
(b) a qualifying further education provider to grant foundation degrees.

(2) The OfS may by order in conjunction with UKRI authorise—

(a) a registered higher education provider to grant research awards.

Explanatory notes:

18. This clause gives the Office for Students (OfS) the power to authorise higher education providers to grant both taught and research degrees. However, we recommend the OfS should be required to do this in conjunction with UK Research and Innovation (UKRI).

19. As the OfS has no direct role in funding, assessing or otherwise evaluating the ability of institutions to conduct research it is important for the Bill to formalise a process where the necessary expertise can be drawn upon in decisions to grant research degree awarding powers. This amendment would bring the clause in line with the HE White Paper, which stated that UKRI and OfS should work together on research degree awarding powers¹.

Clause 43 Variation of other authorisations to grant degrees etc and Clause 53 Revocation of authorisation to use “university” title

20. These clauses give the OfS powers to vary or revoke degree-awarding authorisations (43) or to revoke university title (53) given by or under an Act of Parliament or by Royal Charter. The powers apply even if previous authorisations have been given for an indefinite period. In addition, Clause 15 introduces powers to impose monetary penalties on institutions in breach of ongoing registration conditions that the OfS has itself determined and Clause 56 introduces a power to enter and search.

21. These are new powers for the OfS which it will be able to invoke without Parliamentary or Privy Council approval.

22. We are therefore concerned about how and when such powers might be used and the potential for impacts on institutional autonomy. Appropriate safeguards must be introduced in the Bill recognising the rights of established providers of higher education. We recommend this include Parliamentary scrutiny of the OfS’ powers of enforcement and how they are used. With regard to the OfS’ power to revoke university title or degree awarding powers, this should require an affirmative instrument of each revocation of an existing Act or Royal Charter. The OfS should also be required to publish and consult on how these powers (and the powers given in Clause 63) will be implemented in order to ensure transparency and accountability.

2 Note that Clause 5 allows the OfS to determine initial and ongoing registration conditions, but the Bill also lists a number of mandatory and other conditions for registration in subsequent clauses.
Clause 63 Registration fees

Original text:

(1) The OfS may, in accordance with regulations made by the Secretary of State, charge an institution either or both of the following—

(a) a fee for its initial registration in the register;
(b) a fee for its ongoing registration in the register for each period of twelve months.

(2) The regulations may, in particular, make provision—

(a) about the amounts which may be charged, including different amounts for different institutions;
(b) about the charging of proportions of those amounts in certain circumstances;
(c) about when a fee is payable, including about payment by instalments;
(d) about the consequences of non-payment;
(e) about notification of institutions of the fees payable, when they are payable and the consequences of non-payment;
(f) about the recovery of fees and of costs in recovering those fees;
(g) about the imposition of financial penalties for late payment of fees;
(h) about rights of appeal in respect of the imposition of such penalties;
(i) about the charging of interest;
(j) about the waiving or refunding of fees.

(3) The regulations may provide for the amounts of fees to be calculated by reference to costs incurred, or to be incurred, by the OfS in the performance of any of its functions (including costs unconnected with maintaining the register or with the institution in question).

(4) Regulations under this section may be made only with the consent of the Treasury.

Proposed text:

(3) The regulations may provide for the amounts of fees to be calculated by reference to costs incurred, or to be incurred, by the OfS in the performance of any of its functions (including costs unconnected with maintaining the register or with the institution in question).

(a) The regulations shall provide for the fees charged to individual institutions to be proportionate to the regulatory risk that each institution poses, as assessed by the OfS.

(4) Regulations under this section may be made only with the consent of the Treasury.

(5) The regulations shall limit any increase in the amount of fees to a measure of annual inflation.

Explanatory notes:

23. This clause gives the Secretary of State power to make regulations in relation to the fees that the OfS will charge institutions for initial and ongoing registration as providers of higher education. In creating the OfS, the Government should ensure that this does not increase the burden and cost of regulation for universities.

24. The Government has already indicated that it will cover the OfS cost of running the Teaching Excellence Framework (TEF). Ideally, we would wish to see the Government covering the full cost of the OfS. If this is not possible then the fees raised from higher education providers must be proportionate. The OfS should focus its regulatory efforts on new providers and areas of weakness, and raise funds accordingly.
25. Our proposed amendments seek to ensure the amount of fees paid by individual institutions reflect the regulatory risk that each represents.

26. The amendments would also limit annual increases in registration fees to inflation – this should be the maximum annual increase given that increases in the tuition fees universities charge for undergraduate taught courses will also be limited to no more than inflation in current proposals relating to the Teaching Excellence Framework.

Clause 71 Power to require application-to-acceptance data and Clause 72 Use of application-to-acceptance data for research purposes

27. These clauses cover university application to acceptance data and how they are used. We share the Government’s commitment to ensuring universities are open to talented and able students from all backgrounds. We want these students to know that with the right grades in the right subjects a place at one of our universities is well within reach.

28. Our universities are already subject to freedom of information requests and the transparency duty outlined in Clause 9 will see them sharing more application and acceptance data with the OfS. Furthermore, a number of Russell Group universities already publish very detailed admissions data which is supported by a wealth of data and analysis from UCAS. With this in mind, expanded powers to require data from universities are somewhat duplicative and unnecessary. If UCAS are to share more data on university admissions with researchers it is important that the bar for access is set appropriately high. The issues behind entry patterns are many and complex; therefore any analysis must be nuanced enough to take this into account – for example, ensuring that contextual factors such as attainment are taken into consideration.
Part 3 – Research

Clause 84 The Councils of UKRI

Original text:

(1) UKRI is to have the following committees (referred to in this Part as the “Councils”)—

(a) the Arts and Humanities Research Council,
(b) the Biotechnology and Biological Sciences Research Council,
(c) the Economic and Social Research Council,
(d) the Engineering and Physical Sciences Research Council,
(e) the Medical Research Council,
(f) the Natural Environment Research Council,
(g) the Science and Technology Facilities Council,
(h) Innovate UK, and
(i) Research England.

(2) The Secretary of State may by regulations amend subsection (1) so as to—

(a) add or omit a Council, or
(b) change the name of a Council.

(3) But the regulations may not omit, or change the name of, Innovate UK or Research England.

Proposed text:

(1) UKRI is to have the following committees (referred to in this Part as the “Councils”)—

(a) the Arts and Humanities Research Council,
(b) the Biotechnology and Biological Sciences Research Council,
(c) the Economic and Social Research Council,
(d) the Engineering and Physical Sciences Research Council,
(e) the Medical Research Council,
(f) the Natural Environment Research Council,
(g) the Science and Technology Facilities Council,
(h) Innovate UK, and
(i) Research England.

(2) The Secretary of State may by regulations by affirmative instrument amend subsection (1) (a)-(g) so as to—

(a) add or omit a Council, or
(b) change the name of a Council.

(3) But the regulations Secretary of State may not omit, or change the name of, Innovate UK or Research England.
Explanatory notes:

29. Clause 84 gives the Secretary of State the power to close or alter the remit of a Research Council, while preventing the Secretary of State from closing or changing the remit of Research England and Innovate UK. Due to their Royal Charter status, the Research Councils currently enjoy a greater amount of protection than this new clause would give them. For example, Cabinet Office guidance states that a chartered body is normally only dissolved through voluntary action by the chartered body itself. Currently, if the Secretary of State wanted to alter a Research Council’s remit or merge it with another then Privy Council approval would be required.

30. As the intention of the Nurse Review was to maintain Research Council autonomy we would be concerned if the Secretary of State could merge or abolish the Research Councils without at least having affirmative Parliamentary support for this. The Research Councils are well regarded and highly valued by the research community. As such, we recommend the clause give Parliament a role in scrutinising any decision to merge or close a Research Council, and that a decision to merge or close a Research Council should not be taken without Parliamentary debate or assent for such an action. This would give greater transparency to this process.

Clause 85 UK Research and Innovation functions

Clause 85.1:

31. It is important that the role of the Research Councils in postgraduate research training should be reflected in the list of UKRI’s functions – it is a key role these Councils currently carry out and is also included in their Royal Charters. A specific reference to postgraduate research training should be added at clause 85.1. It would also be useful to add support for interdisciplinary research and collaboration between disciplines to this list of functions. In addition, it may be helpful at this point to reference clause 102 which provides definitions of humanities and science as including the arts and social sciences respectively.

Clause 85.1(c):

32. It is not clear why the ‘humanities’ is missing from this list at 85.1(c) (it is in parts a, b, d & e). We recommend it is added into part c.

Clause 89 Exercise of functions by Research England

Original text:

(1) UKRI must arrange for Research England to exercise such functions of UKRI as UKRI may determine for the purpose of giving financial support within subsection (2) or (3).

(2) Financial support is within this subsection if it is given to the governing body of an eligible higher education provider in respect of expenditure incurred, or to be incurred, by the provider for the purposes of either or both of the following—

(a) the undertaking of research by the provider;

(b) the provision of facilities, or the carrying out of other activities, by the provider which its governing body considers it is necessary or desirable to provide or carry out for the purposes of, or in connection with, research.

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Proposed text:

(1) UKRI must arrange for Research England to exercise such functions of UKRI as UKRI may determine for the purpose of giving financial support within subsection (2) or (3).

(2) Financial support is within this subsection if it is given to the governing body of an eligible higher education provider in respect of expenditure incurred, or to be incurred, by the provider for the purposes of any or all either or both of the following—

(a) the undertaking of research by the provider;
(b) the undertaking of knowledge exchange and innovation by the provider;
(c) the provision of facilities, or the carrying out of other activities, by the provider which its governing body considers it is necessary or desirable to provide or carry out for the purposes of, or in connection with, research, knowledge exchange or innovation.

Explanatory notes:

33. HEFCE is currently responsible for knowledge exchange activities and funding. Given Research England’s remit, it is assumed Research England will be responsible for this activity in the new system, however neither knowledge exchange or Higher Education Innovation Funding (HEIF) are mentioned in the Bill.

34. Knowledge exchange funding, including HEIF, is vital for facilitating innovation and helps translate world-class research and knowledge into economic benefit to the UK. In order to prevent confusion between OfS and UKRI, a sub-clause should be added here to capture HEFCE’s current key role in supporting knowledge exchange and innovation.

35. Universities must also be able to continue making their own decisions about how block grant funding is used.

Clauses 93 and 94

There are links between these two clauses relating to grants and directions that may be given by the Secretary of State to UKRI that should be considered together – explanatory notes on the proposed changes are at the end of this section.

Clause 93 Grants to UKRI from the Secretary of State

Original text:

(1) The Secretary of State may make grants to UKRI of such amounts, and subject to such terms and conditions, as the Secretary of State considers appropriate.

(2) Where a grant is made in respect of functions exercisable by Research England pursuant to arrangements under section 89, any terms and conditions under subsection (1) may not be framed by reference to—

(a) particular courses of study or programmes of research (including the contents of courses or programmes and the manner in which they are taught, supervised or assessed), or
(b) the criteria for the selection and appointment of academic staff and for the admission of students.
Proposed text:

(1) The Secretary of State may make grants to UKRI of such amounts, and subject to such terms and conditions, as the Secretary of State considers appropriate.

(2) Where a grant is made in respect of functions exercisable by Research England the Councils of UKRI pursuant to arrangements under section 87, section 88 and section 89, any terms and conditions under subsection (1) may not be framed by reference to—

(a) particular courses of study, types of research or programmes of research (including the contents of courses or programmes and the manner in which they are taught, supervised or assessed), or

(b) the criteria for the selection and appointment of academic staff and for the admission of students.

Clause 94 Secretary of State’s power to give directions to UKRI

Original text:

(1) The Secretary of State may give UKRI directions about the allocation or expenditure by UKRI of grants received under section 93.

(2) But the Secretary of State may not give a direction under this section in respect of functions exercisable by Research England pursuant to arrangements under section 89 which is framed by reference to—

(a) particular courses of study or programmes of research (including the contents of courses or programmes and the manner in which they are taught, supervised or assessed), or

(b) the criteria for the selection and appointment of academic staff and for the admission of students.

Proposed text:

(1) The Secretary of State may give UKRI directions about the allocation or expenditure by UKRI of grants received under section 93.

(2) But the Secretary of State may not give a direction under this section in respect of functions exercisable by Research England the Councils of UKRI pursuant to arrangements under section 87, section 88 and section 89, which is framed by reference to—

(a) particular courses of study or programmes of research (including the contents of courses or programmes and the manner in which they are taught, supervised or assessed), or

(b) the criteria for the selection and appointment of academic staff and for the admission of students.

Explanatory notes:

36. We welcome the intent behind these clauses, which cover the Secretary of State’s powers to make grants and give directions to UKRI. The clauses prevent the Secretary of State from directing Research England funding towards particular courses, programmes of study, or research and protects Research England from undue influence over the appointment of academic staff and students. This is line with the Haldane Principle.
37. However, the protection in these clauses only applies to Research England. In order to ensure consistency across Research England, Innovate UK and the Research Councils these clauses should be extended to apply to all of the Councils which will fall under UKRI.

38. This would also be in line with the recommendations of the Nurse Review to maintain the autonomy of the Research Councils and their ability to function in the most effective way to support excellent research and postgraduate training in the UK. The amendments would be in line with the Haldane Principle, ensuring the allocation of research funding, and the decision making processes and procedures relating to research more generally, remain with those who have the appropriate scientific expertise and experience.

Clause 95 Balanced funding and advice from UKRI

39. We welcome the protection of the principle of dual support in this clause. The combination of stable core funding and competitively awarded grants ensures the diversity and breadth of research in the UK. Exactly how the principle of ‘reasonable balance’ is determined will be very important. The determination of balanced funding should, in particular, require reference to research excellence and sustaining research, research infrastructure and the wider research environment, in the UK for the long-term. We would be concerned if funding for Research England were eroded over time by shortfalls in the other Councils.
Part 4 – General

Clause 103 Cooperation and information sharing between OfS and UKRI

Original text:

(1) The OfS and UKRI may cooperate with one another in exercising any of their functions.

(2) The OfS and UKRI must, if required to do so by the Secretary of State, cooperate with one another in exercising any of their functions.

(3) The OfS may provide information to UKRI if the disclosure is made for the purposes of the exercise of any function of UKRI.

(4) UKRI may provide information to the OfS if the disclosure is made for the purposes of the exercise of any function of the OfS.

Proposed text

(1) The OfS and UKRI may cooperate with one another in exercising any of their functions. The OfS and UKRI must cooperate on the areas including, but not be limited to, the following—

(a) Authorisation of a registered higher education provider to grant research awards
(b) Knowledge exchange funding and activity
(c) Issues of financial sustainability of higher education providers

(2) The OfS and UKRI must, if required to do so by the Secretary of State, cooperate with one another in exercising any of their functions.

(3) The OfS may provide information to UKRI if the disclosure is made for the purposes of the exercise of any function of UKRI.

(4) UKRI may provide information to the OfS if the disclosure is made for the purposes of the exercise of any function of the OfS.

Explanatory notes:

40. It will be important for the OfS and UKRI to cooperate in a number of areas to mitigate the potential for creating a split between research and teaching as functions currently in HEFCE are divided between the two new bodies. As highlighted in Clause 40, there is a particular need for cooperation on the granting of degree awarding powers. Similarly, formal cooperation will help to avoid unnecessary duplication of effort (or vital effort being dropped) in other areas. We recommend that clause 103 be amended to require OfS-UKRI cooperation on research awards, knowledge exchange funding and wider issues of financial sustainability in Higher Education. We would also expect OfS and UKRI to cooperate to ensure students continue to benefit from teaching that is enhanced by world-class research and facilities.

41. The division of responsibility for teaching and research across government departments as well as between UKRI and OfS makes it important these bodies maintain a comprehensive overview of the higher education landscape.
Schedules

Schedule 9.2 Membership of UKRI

Original text:
(1) UKRI is to consist of the following members appointed by the Secretary of State—

(a) a chair (“the chair”),
(b) the Chief Executive Officer (“the CEO”),
(c) the Chief Finance Officer (“the CFO”) and
(d) at least nine and not more than twelve other members.

(2) In this Schedule, references to the “members of UKRI” are to the members mentioned in sub-paragraph (1).

Proposed text:
(1) UKRI is to consist of the following members appointed by the Secretary of State—

(a) a chair (“the chair”),
(b) the Chief Executive Officer (“the CEO”),
(c) the Chief Finance Officer (“the CFO”), and
(d) at least nine other members including the executive chair of each of the Councils under section 84(1).

(2) In this Schedule, references to the “members of UKRI” are to the members mentioned in sub-paragraph (1).

Explanatory notes:
42. As currently drafted, this clause is ambiguous about who the other members of UKRI should be. It is important that the heads (executive chairs) of each of the Councils of UKRI should be represented to assure appropriate governance and expertise.

43. Given that UKRI will have responsibilities UK-wide, we would also expect it to work closely with representatives of the research funding bodies in Scotland, Wales and Northern Ireland as appropriate in decisions which impact these nations. A formal mechanism for achieving this should be established.

Schedule 9.3 Membership of the Councils

Original text:
(1) Each Council is to consist of—

(a) an executive chair appointed by the Secretary of State (the “executive chair”),
(b) at least five and not more than nine other members (the “ordinary Council members”).

(2) In this Schedule, a reference to the “Council members” is to the executive chair and the ordinary Council members of each Council.

(3) The Secretary of State may appoint one of the ordinary Council members of each Council.

(4) The other Ordinary Council members are to be appointed by UKRI after consulting the executive chair.

(5) A Council may include persons who are neither members, nor employees, of UKRI.
3 (1) Each Council is to consist of—

(a) an executive chair appointed by the Secretary of State (the “executive chair”),
(b) at least five and not more than nine other members (the “ordinary Council members”).

(2) In this Schedule, a reference to the “Council members” is to the executive chair and the ordinary Council members of each Council.

(3) The Secretary of State may appoint one of the ordinary Council members of each Council.

(4) The other ordinary Council members are to be appointed by UKRI after consulting the executive chair.

(5) A Council may include persons who are neither members, nor employees, of UKRI.

Explanatory notes:

44. It is not necessary for the Secretary of State to appoint ordinary Council members, or for an upper limit to be set for the Councils as this could be highly prescriptive and potentially impact on the autonomy of the Research Councils.

Schedule 9.10 Procedure

45. We welcome the phrase ‘but not in decisions’ in schedule 9.10.4(b) referring to the Secretary of State’s ability to take part in deliberations at UKRI meetings (or those of its constituent councils and committees). This helps protect the integrity and independence of UKRI’s decision-making process and is in line with the Nurse Review recommendations ensuring the autonomy of these institutions.

September 2016
Annex A – Summary of proposed amendments

Part 1 – The Office for Students

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Part 3 – Research

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<th>Issue</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>84</td>
<td>Councils of UKRI and powers of the SoS</td>
<td>Amend paragraphs 2 and 3 so that the SoS requires affirmative support from Parliament to add, omit or change the name of a Research Council</td>
</tr>
<tr>
<td>85(1)</td>
<td>Remit of UKRI</td>
<td>Add postgraduate research training as a specific function</td>
</tr>
<tr>
<td>85(1)(c)</td>
<td>Remit of UKRI</td>
<td>Add humanities</td>
</tr>
<tr>
<td>89</td>
<td>Functions of Research England</td>
<td>Amend paragraph 2 to include knowledge exchange and innovation</td>
</tr>
<tr>
<td>93, 94</td>
<td>Grants to UKRI and powers of SoS to give directions to UKRI</td>
<td>Amend clause 93 paragraph 2 and clause 94 paragraph 2 to ensure all Councils under UKRI have the same protections as Research England</td>
</tr>
</tbody>
</table>
Part 4 – General

<table>
<thead>
<tr>
<th>Clause(s)</th>
<th>Issue</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>103</td>
<td>Cooperation between OfS and UKRI</td>
<td>Amend paragraph 1 so that OfS and UKRI must cooperate on the authorisation of research degree awarding powers, on knowledge exchange funding and activities, and on oversight of financial sustainability of HE providers</td>
</tr>
</tbody>
</table>

Schedules

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Issue</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.2</td>
<td>Membership of UKRI</td>
<td>Amend wording at 1(d) to include the executive chairs of UKRI's constituent Councils. Ensure appropriate involvement by the Devolved Administrations.</td>
</tr>
<tr>
<td>9.3</td>
<td>Membership of UKRI's Councils</td>
<td>Amend wording so as not to limit the number of ordinary Council members. Delete paragraph 3 and amend paragraph 4 to protect the autonomy of UKRI and its Councils.</td>
</tr>
</tbody>
</table>

September 2016