Written evidence submitted by Warwick Students’ Union (HERB 38)

Written evidence to the House of Commons Public Bill Committee regarding the Higher Education and Research Bill 2016

About us
Warwick Students’ Union is a registered charity which exists to benefit students at the University of Warwick through:

- Promoting the interests and welfare of our students during their course of study and representing, supporting and advising our students;
- Being the recognised representative channel between students, the University of Warwick and any other external bodies;
- Providing social, cultural, sporting and recreational activities and forums for discussions and debate for personal development of our students.

In total we represent over 24,000 students of which 39% are postgraduate and 38% are international, and turnover more than £7m per annum making us one of the largest higher education students' unions in the country.

Executive summary
The UK higher education sector offers a wonderfully diverse and high quality educational experience for millions of students, including the thousands that we represent at the University of Warwick. Warwick Students’ Union fundamentally believes that a well-functioning higher education sector is integral to the success and development of not only our current members, but also to that of our members in years to come. As such, we feel it is crucial that students’ unions across the country engage holistically and actively with the higher education policy that this government is proposing in order to represent and amplify the voices of our members throughout the process.

It is clear that the proposals set out in the Higher Education and Research Bill represent some of the most significant changes to the sector in decades. Our members have deep concerns about the direction in which these reforms will take our higher education system, particularly in a time of such uncertainty and political volatility. As a union we share many of the reservations that have been raised regarding the Bill by students, academics and sector experts, and as such feel that to rush through these proposals could have highly detrimental implications for students and for the sector as a whole.

The summary of our recommendations for the Public Bill Committee is as follows:

A. The Teaching Excellence Framework
Despite the fact that the mechanics of the Teaching Excellence Framework (TEF) are not addressed in this Bill, the proposals nonetheless establish a framework within which the TEF
will operate. Hence we regard the TEF as a pivotal aspect of the proposed reforms which cannot and should be not be viewed in isolation from the Bill. Due to its reliance upon flawed metrics and the dangerous implications of its role in further differentiation of tuition fee levels (explored in detail below), Warwick Students’ Union asserts that the TEF is not fit for purpose. As such, we recommend that Schedule 2 and Clause 25 are removed entirely from the Bill, as it would be irresponsible to legislate for a highly criticised rating scheme that does not yet exist.

B. Student representation and consultation

The extent to which these proposals are lacking in student representation and consultation is striking. Warwick Students’ Union believes that the voices of students that will be directly impacted by these reforms should be fundamental throughout the proposed higher education infrastructure. Moreover, we believe that active engagement and collaboration with students is paramount to the success of the higher education sector and specifically to this government’s stated goals of placing students’ interests and opportunities at the heart of education. As such, we have identified numerous areas where these omissions can and should be rectified, notably with the boards of the Office for Students (OfS), UK Research and Innovation (UKRI) as well as throughout future consultation processes. These suggestions are detailed in full below.

C. Access and participation agreements

Warwick Students’ Union believes that higher education should be accessible to students from all backgrounds regardless of the type of provider. We put forward that any higher education institution in receipt of public funding from the OfS, or whose students have access to student funding, must have a comprehensive access and participation plan. Furthermore, we believe that the Director for Fair Access and Participation should be given the power to reject a plan if it is deficient or unambitious.

D. Transparency

This Bill presents numerous opportunities to increase and strengthen transparency within the UK higher education system. Not only does Warwick Students’ Union consider this to be crucial to a well-functioning sector, but we also believe strongly in responsible and fair use of public funds. As such, we have made several recommendations regarding access to and publication of data relating to higher education which are outlined in detail below.

Teaching Excellence Framework

1. The Bill sets out the legislative framework for the government's proposed TEF which, if put into effect, will oversee the further increase of tuition fees beyond the current £9000 cap at many institutions. A key worry for many of our students is the possibility that, as a result of the
TEF, their tuition fees could be raised midway through their studies. We feel it would be unjust for students to enrol on a course on the basis of a certain fee level, only to be forced to pay even more in a subsequent year without any prior knowledge or insight, and thus we believe the government has a responsibility to ensure that higher education providers cannot enact this misleading policy.

2. In addition to this, the TEF will establish a system of differentiated fee levels across the higher education sector. We feel this proposal encourages a system where many problems in the area of teaching quality in higher education institutions, which have the potential to be remedied, will in fact only be exacerbated by a self-perpetuating system of decreased funding. That is to say, if higher education providers score poorly in the TEF one year and thus receive drastically reduced funding through lower fees, they will have less investment available to put into improving said problems in teaching quality and teaching infrastructure, and hence the cycle will continue. Similarly, those providers who score well will be equipped with more funding and investment to further increase this score. Following on from this, broadly we fear that the TEF will cement a 2-tier system in higher education, creating stigma not dissimilar to that of the former “polytechnics versus universities” dynamic which we have only relatively recently moved away from.

3. A key component of the TEF assessment is metrics. These are largely focused on student satisfaction (via the National Student Survey (NSS)), graduate outcomes (via Destination of Leavers from Higher Education survey (DLHE) or its replacement), and student retention rates. We fundamentally disagree that these metrics aim to measure teaching quality or that they are sufficiently related to teaching quality to justify their use as proxies. We also disagree that these metrics are sufficiently statistically robust so as to differentiate between the majority of institutions. Exploring each metric briefly:
   a. NSS - It is known that NSS results are statistically dubious (see Office for National Statistics interim report on proposed TEF metrics) but moreover the survey measures student experience rather than teaching quality. There is a danger that teaching approaches would change to become safer, less innovative, and also less challenging to students. Furthermore there could be an incentive to provide higher marks with the hope of improving student satisfaction.
   b. DLHE - In its current form it measures high-level graduate employment six months after graduation but excludes international students. Fundamentally, its inclusion as a metric implies a belief that there is some level of causation between high quality teaching and graduate outcomes. We disagree with this assumption and the implication that only students obtaining jobs deemed to be of a higher level should be regarded as a positive outcome. On the contrary many of the most valuable jobs in our society are not necessarily well-paid. Additionally, the DLHE metric would count those volunteering, travelling or unable to work as negative outcomes. By excluding international students universities are being encouraged to focus careers support on
UK students and to focus on a selection of jobs that satisfy the metric rather than what may be best for the students.

c. Retention - We believe that retention is important to monitor but that it is not a measure of teaching quality; rather, it is an indication of the level of student support provided to students. While Warwick Students’ Union agrees with increased student support, we believe that the TEF is an improper channel to encourage extra spending in this area. It is inappropriate to use retention rates to determine levels of tuition fees and ultimately the amount of funding an institution receives.

4. While it is welcome that there is a qualitative aspect to the TEF given the flawed nature of the numerical side, the proposed 15-page submission is a poor substitute for proper peer-reviewed assessment of teaching quality. It is likely that well-resourced universities will perform better than those with excellent teaching but less funding, which is simply not conducive to the goal of a higher education sector where quality of teaching is properly prioritised.

5. We believe that is it hasty to legislate for the TEF in the Bill before it has even been piloted. We believe that given the fundamental concerns with the metrics, the TEF is not in a format fit to pilot. We share the sentiments expressed by the University of Warwick in that “we do not believe that the TEF, as set out in the consultation, will add significant value for students or employers” and by the University of Oxford in that we are “not convinced that, as currently conceived, the TEF will improve the quality of teaching across the sector, or that it will deliver more genuinely informed student choice”.

6. Furthermore, we have concerns about the potential use of the TEF in the allocation of teaching funding. The Higher Education Funding Council for England currently administers £1.4bn of teaching funding split approximately evenly between two strands. The first strand is targeted allocations (e.g. widening participation, student retention, improvements for disabled students, outreach activities). Students falling within these areas should be reassured that whichever higher education institute they are studying at, the institution has received funds to support their accessibility to study. The second strand is supplement for high-cost subjects (e.g. medicine, lab sciences, clinical sciences, engineering). If high-cost subject funding is provided on the basis of TEF results, those students attending institutions with a lower TEF outcome will be on courses that are not as well-funded and this will be detrimental to their experience on these courses. If these courses are not properly funded then the student experience will decrease, and furthermore many courses will become unviable. This will lead to less choice for students rather than increased competition. Any future use of TEF participation or outcomes in determining teaching funding allocation seems neither justifiable nor beneficial to student experience.

7. For the above reasons, Warwick Students’ Union supports the removal of Schedule 2 and Clause 25 from the Bill.
Student representation and consultation

8. Warwick Students’ Union is extremely disappointed to learn that, as it stands, there will be no student representation whatsoever on the board of the OfS. Considering the centralisation of responsibility which will take place with the establishment of the OfS, we feel strongly that this lack of student presence will mean the student voice will be shut out from a whole wealth of key decisions which will directly affect them. In addition to this, there is no mention of postgraduate research students in the Bill and as such it is unclear which body will oversee their interests. As representatives of a student body which includes around 10% research students, we are well aware of the benefits that these students bring to the University in terms of research and teaching. It is essential that postgraduate researchers’ interests are represented directly and that further clarity on this issue is provided within the Bill.

9. Furthermore, Warwick Students’ Union has noted that throughout the Bill much reference is made to the importance of consultation, such as with “bodies representing the interests of English higher education providers”, with “persons that promote the interests of students” and with “other appropriate persons”, without ever explicitly mentioning students themselves. We strongly believe that going forward, wherever need for consultation has been highlighted, it’s crucial that students are part of this.

10. Schedule 1 should be amended so that there must be at least one reserved space for an elected student representative on the board of the OfS.

11. Schedule 9 should be amended so that there must be at least one reserved space for an elected postgraduate research student representative on the board of UKRI.

12. Every time consultation is mentioned within the Bill, there should be explicit reference to elected student representatives.

13. In addition, Warwick Students’ Union indicates its support for Amendments 5, 6 and 26 as they clearly align with the notion that student representation is integral to the success of the higher education sector.

Access and participation agreements

14. Currently within the Bill, some higher education institutions will not be required to have formal access and participation agreements. However, we believe that every single higher education institution should be working to ensure that they are accessible to students from all backgrounds. In the case of providers in receipt of public funding we believe that this should be legislated for and furthermore, this should be extended beyond the status quo to include providers whose students are able to benefit from the student loan system. The resource accounting and budgeting (RAB) charge associated with the loan system is approximately 25% of the value of loans provided, so there is a substantial amount of public funding involved. Thus in the interests of fairness across providers and responsible use of public
funds, any provider in receipt of public funding support (including indirectly via the RAB charge) should be required to have an approved access and participation agreement. Ultimately, a higher education sector in which all providers are accessible to students from all backgrounds is in the interests of students.

15. For the access and participation agreements to be stringent enough, Warwick Students’ Union is of the opinion that the Director for Fair Access and Participation must be able to ultimately reject any plans that are inadequate or insufficiently challenging and request amendments to the plans. Furthermore, plans should be reviewed and targets amended on an annual basis.

16. Clause 28 should be amended to require any institution in receipt of funding from the OfS or whose students have access to student loans to annually submit an access and participation plan and that this plan must be approved in order for the provider to continue to receive the funds.

17. Clause 28 should be amended to give the Director for Fair Access and Participation the ability to reject plans if they are insufficiently ambitious or inadequate in terms of content.

Transparency

Higher Education Statistics Agency data

18. Higher Education Institutions are required to submit data to the Higher Education Statistics Agency (HESA) and also to pay a fee to HESA. We are aware that HESA only publishes select datasets, whilst the rest of the data is only available for a monetary charge. Whilst HESA is a private company, it is funded overwhelmingly from grants and fees paid by public institutions, and has previously made a significant surplus. Essentially, HESA is largely funded through taxpayers’ money, yet the extent of the data collected is not available to the public even de-identified form. Warwick Students’ Union believes that the Bill provides an opportunity to rectify this.

Provision and publication of student information to OfS

19. In section 9(2)(b) the Bill states that higher education providers will be required to supply information to the OfS on the number of those applications that were received according to gender, ethnicity and socio-economic background.

20. As an institution committed to the principles of equality, diversity and fair access to education for all, we feel that this section would be significantly strengthened by including the requirement of applicant data provision regarding:

   a. Disability;
   b. Mature student status; and
   c. Any other protected characteristic or underrepresented identity.

21. As a students’ union we seek to ensure that the needs and requirements of all marginalised groups are addressed and appropriate support is given so that, regardless of identity, no-one
is shut out from accessing our university. We would like to see this commitment reflected in government policy and as such recommend that further applicant information must be supplied by higher education providers as laid out above.

**Freedom of Information**

22. Warwick Students’ Union supports the continued inclusion of institutions in the Freedom of Information Act 2000 when they are in receipt of grants, loans or other payments from the OfS. However, institutions whose students have access to student loans are supported by public funds with regards to the RAB charge and thus we believe that these institutions should also subject to the Freedom of Information Act 2000. This would also contribute to a more level playing field across types of institutions.

23. The body designated for higher education data collection in Clauses 59 and 60 should be subject to the Freedom of Information Act, or the government should legislate to require full publication of de-identified and anonymous data collected in its role as the designated body.

24. Clause 9 should be amended to require higher education institutions to provide applicant data relating to disability, mature student status and, where appropriate, any other protected characteristic or underrepresented identity.

25. Schedule 11 Paragraph 27 should be amended to insert all providers in receipt of public funds (including via the RAB charge) into Schedule 1 of the Freedom of Information Act 2000, extending beyond those institutions listed in Clause 37(1).

26. In addition, Warwick Students’ Union indicates its support for Amendment 27 as we feel this provides further transparency around use public funds in the higher education sector.

**Conclusion**

As highlighted in this submission, Warwick Students’ Union is passionate about ensuring its members are given the best quality teaching, learning and research opportunities possible. We help to ensure this with our 700 democratically elected course representatives spread across all faculties. In addition to this, our elected Faculty Representatives and Sabbatical Officers actively participate in both faculty and university committees. Our submission reflects the work we already do and what needs to be done for students to participate in a higher education system, which is transparent, accessible, non-discriminatory, affordable, accountable and of high quality. Sadly the Higher Education and Research Bill misses many opportunities in improving the lives of our students and universities, something which our submission seeks to address.

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