



Higher Education and Research Bill

Evidence from the Quality Assurance Agency for Higher Education to the Public Bill Committee

2 September 2016

Executive summary

- QAA welcomes the Higher Education and Research Bill.
- The UK higher education sector has agreed by consensus definitions for academic standards, threshold academic standards, and academic quality. In order to avoid confusion, it is important that the Bill reflects these accepted definitions.
- There are clauses that would benefit from clarification and revision. In particular, the Bill could be further strengthened by:
 - a) ensuring that the government's commitment to the principle of co-regulation is preserved in the Bill
 - b) clarifying the language around the Office for Student's responsibilities for threshold academic standards
 - c) clarifying the role and expectations of the designated independent quality body
 - d) clarifying what quality checks will be carried out on the challenger providers that apply for degree awarding powers.

Introduction

1. The Quality Assurance Agency for Higher Education (QAA) is the independent body entrusted with monitoring, and advising on, standards and quality in UK higher education. Since 1997 we have reviewed universities and colleges of higher education to check how well quality and academic standards are managed, including in UK higher education delivered internationally.
2. We work in all of the UK nations and are highly respected internationally. We were praised by an international panel of experts in their scrutiny of QAA on behalf of the European Association for Quality Assurance in Higher Education in 2013:

'It is a trustworthy, effective and highly credible agency and a leader in the field. QAA is well-led and well-managed at both Board and Executive levels, with a strong Board, which is both well-informed and constructively challenging.'ⁱ

3. In its recent reportⁱⁱ the Business, Innovation and Skills Select Committee said of QAA:

'In particular, witnesses cited the vital importance of the role of the independent QAA in providing the kitemark of quality that underpins the sector's international competitiveness.'

4. In the White Paperⁱⁱⁱ, the government said of QAA:

'Our higher education system is internationally renowned, something that is reflected by the high number of students who wish to come here to study. Underpinning this reputation is our system of quality assurance, both within

providers and externally. The QAA has been at the heart of this, in developing many of the methods, approaches and techniques which have since been adopted across the world.'

5. Recent reforms by the higher education funding bodies have changed the nature of QAA review, but we will continue to work under contract to assess the quality of provision for those new to the publicly funded sector and where there is concern about unsatisfactory quality.
6. On behalf of the higher education sector, QAA maintains and updates the UK Quality Code for Higher Education^{iv}, the definitive reference point for quality and academic standards. The UK Quality Code was developed with the higher education sector, and is maintained and published on their behalf, by QAA. It sets out the 19 expectations that all providers of UK higher education, irrespective of their status, are required to meet in their reviews.
7. We also conduct expert scrutiny of applications for degree awarding powers on behalf of the government and devolved administrations and the Privy Council, and continue to review private colleges that wish to be designated for publicly backed student loan funding, or sponsor visas for international students.
8. QAA has actively worked with the government, HEFCE, OFFA and HEA through the design of the Teaching Excellence Framework (TEF), and continues to work with the Department for Education and HEFCE to drive its delivery at an operational level.
9. We welcome the Higher Education and Research Bill. Our evidence to this Committee suggests where clarification could refine and improve the Bill in areas where we have considerable expertise.

The Office for Students

10. QAA has been at the forefront of student engagement in matters of academic quality and standards for over a decade and has embedded students in all of our work. For example, students are full members of our Board and we have a dedicated Student Advisory Board to shape and critique our work.
11. QAA welcomes the creation of the Office for Students (OfS) but believes if it is to succeed and truly work for students, there must be a significant and defined role for students in the governance of the new regulator.
12. The White Paper affirmed the Government's commitment to co-regulation in the creation of the OfS:

'We will preserve the principle of co-regulation by enabling the Secretary of State, following a recommendation from the OfS, to designate a sector-owned organisation to design and operate the quality assessment framework.'

13. Co-regulation, shared between the sector and government, is integral to the regulatory framework proposed by the Bill. This framework protects universities and other degree-awarding bodies from undue interference while ensuring an appropriate level of scrutiny. It allows providers to innovate and encourages a diverse sector.
14. It is important that the OfS be prevented from potential conflict of interest. It is vital that the designated independent quality body, while operating within parameters set

by the regulator, can act with autonomy. To not allow this autonomy would undermine the very purpose of designating an independent quality body.

15. The OfS should be able to delegate responsibilities, such as aspects of the TEF. This would enable any future integration of TEF and quality assurance functions, offering cost savings and efficiencies, and avoiding regulatory duplication or costly bureaucracy.

The UK Quality Code and accepted definitions in UK higher education

16. Under QAA's stewardship, the UK Quality Code lists accepted definitions for concepts and terminology in UK higher education^{iv}. It is important that the Bill reflects the accepted definitions to ensure clarity. Key definitions are as follows.
17. **Threshold academic standards:** the minimum acceptable level of achievement that a student has to demonstrate to be eligible for the award of academic credit or a qualification. For equivalent qualifications, the threshold level of achievement is agreed across the UK.
18. **Academic standards:** the standards that individual degree-awarding bodies set and maintain for the award of their academic credit or qualifications. These may exceed the threshold academic standards. They include the standards of performance that a student needs to demonstrate to achieve a particular classification of a qualification, such as a first-class honours degree classification in a certain subject or the award of merit or distinction in a master's degree.
19. **Academic quality:** how, and how well, the higher education provider supports students to enable them to achieve their award. It covers learning, teaching and assessment, and all the different resources and processes a provider puts in place to help students progress and fulfil their potential.

A new designated independent quality body: Schedule 4 Part One

20. The intention of the White Paper is clear that there should be an independent quality body for English higher education, which we fully endorse. The current wording of Schedule 4 Part One suggests that the Office for Students may choose not to recommend the establishment of a designated independent quality body even where a suitable body exists:

'Recommendation

The OfS must recommend to the Secretary of State that a body is designated to perform either or both of the assessment functions **if it considers that** -
(a) the body is suitable to perform the function, and
(b) designating the body would be appropriate for securing the effective assessment of the quality and standards of higher education provided by English higher education providers.'

21. We do not believe that this is the intention given the White Paper's clear instruction that:
'The OfS could not refuse to recommend a body provided that there was a suitable and capable one, even if it would prefer to carry out the work in house.'

22. The Bill should be clarified to make clear this intention and ensure that, if a suitable body capable of designation exists, the Office for Students cannot act unilaterally with regard to quality and standards.
23. Clarification would also protect the government's commitment to co-regulation with the sector.

Academic standards

24. There is concern within the sector that the Bill would give the Office for Students responsibility for setting academic standards, which is currently the responsibility of degree-awarding bodies, including universities. We understand that this is not the policy intention, and instead the intention is to give the Office for Students responsibility for assessing if *threshold* academic standards are being met, defined in paragraph 17.
25. However, this concern is understandable: the autonomy of degree-awarding institutions and their responsibility for the standards of their own awards is a basic tenet of our diverse higher education system. Care must be taken not to threaten - or give the perception of threat to - this important principle.
26. References to the Office for Students' responsibility for standards could be amended to include 'threshold' and make clear this important distinction.
27. Schedule 4 Part One requires that the designated quality body both 'represent a broad range of registered higher education providers' in its function for setting strategic priorities and 'commands the confidence of registered higher education providers'. Requiring the Office for Students to recommend the designation of an independent quality body would further allay sector concerns by retaining the principle of a co-regulatory framework.

Funding the new independent quality body: Clause 27

28. Clause 27 is complex and could restrict the ability of the designated quality body to plan its finances effectively over time as considered reasonably prudent and necessary to ensure that the body is able to continue the designated activities sustainably.
29. For organisations like QAA, a registered charity, not accounting for planned longer term expected costs or the ability to respond to future uncertainties could be contrary to Charity Commission requirements.
30. We understand that this restriction is not the intention of the government, and that designated bodies are expected to set a fee that would enable prudent financial planning to be maintained and in addition to include a reasonable portion of overhead costs as necessary to fulfil the duties required of it by virtue of designation. To reflect this clarification, we suggest that the Bill be amended to make it clear that nothing in Clause 27 is designed to prevent the designated body from prudent financial planning.

Degree awarding powers (DAPs)

31. This Bill would liberalise the process to apply for DAPs and university title, making it quicker and simpler for an organisation to enter the higher education sector as a recognised provider of higher education.

32. We welcome this approach. It has the potential to meet demand in higher education cold spots, and strips away unnecessary barriers to entry to the sector.
33. However, the Bill does not make it clear how new entrants to the sector will be vetted. There is a risk that the UK's reputation for higher education excellence is threatened if there is the perception that a new challenger provider can gain entry without proper checks, and is only removed when something goes wrong. These checks are currently overseen by QAA's Advisory Committee on Degree Awarding Powers.
34. We understand that the government intends that no higher education provider will be given DAPs without due diligence around quality assurance and this responsibility is expected to be carried out by the designated independent quality body.
35. We would recommend that Part 1 Clause 40 be revised to clarify the Office for Students' duty to ensure that new entrants to the sector by the grant of DAPs meet the required standard. It should maintain the role of QAA's expert committee to provide independent advice.

ⁱ *Report of the Panel appointed to undertake a review of the UK Quality Assurance Agency (QAA) for the purposes of renewal of full membership of the European Association for Quality Assurance in Higher Education (ENQA): <http://www.enqa.eu/wp-content/uploads/2014/01/QAA-review-report-FIN2.pdf>*

ⁱⁱ *The Teaching Excellence Framework: Assessing quality in Higher Education. Third Report of Session 2015-16: <http://www.publications.parliament.uk/pa/cm201516/cmselect/cmbis/572/572.pdf>*

ⁱⁱⁱ *Success as a Knowledge Economy: Teaching Excellence, Social Mobility & Student Choice: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523546/bis-16-265-success-as-a-knowledge-economy-web.pdf*

^{iv} More information about the UK Quality Code can be found in our short overview: <http://www.qaa.ac.uk/en/Publications/Documents/Quality-Code-Overview-2015.pdf>