

## **Universities Scotland response to the UK Government Green Paper: fulfilling our potential, teaching excellence, social mobility and student choice**

Universities Scotland is pleased to respond to the UK government's Green Paper Fulfilling our potential: teaching excellence, social mobility and student choice.

We have responded to those consultation questions where there are particular implications for the sector in Scotland. Given that many of the proposals in the Green Paper will have direct or indirect implications for the higher education sector across the UK, we encourage a continuation of close consultation with institutions and governments across the devolved nations.

### **Teaching Excellence Framework (TEF) (Part A: Chapters 1-3)**

***How can information from the TEF be used to better inform student and employer decision making? Please quantify these benefits as far as you can.***

Our members are committed to the enhancement-led approach to teaching quality in Scotland. We believe that this already fulfils some of the TEF's ambitions, particularly in placing students at the centre of a continuously-enhanced learning experience. The sector in Scotland is engaging currently in work to refine our definition of teaching excellence and, as emphasised below, a continuing dialogue across the UK will be of value.

The introduction of TEF, whatever its final form, will have implications for Scottish institutions. It will influence student choice within the UK and beyond and the decisions of potential collaborative partners.

It is important, therefore, that Scottish institutions are included in this evolving discussion of a matter that will have effects on UK Higher Education as a whole.

We note that quality reviews across the UK all currently assess universities and HE institutions against the UK Quality Code for Higher Education and that a Scottish institution's successful Enhancement Led Institutional Review (ELIR) has equivalence with a successful QA review. Moreover, while the ELIR covers quality assurance, it also goes beyond that and additionally focuses on enhancement. Through its consideration of the provider's strategies for engaging students and enhancing pedagogy, ELIR therefore parallels many of the aims of TEF.

We believe that a prioritisation of enhancement, whilst explicitly allowing for diverse forms of excellence, should be the focus for the development of TEF findings beyond a basic threshold for determining fee uplifts. This, alongside maintenance of the UK Quality Code, could be a foundation for continuing compatibility of quality systems across the UK.

We strongly believe in the importance of research informed teaching and therefore research teaching links are important. Indeed, one of the enhancement themes run as part of our Quality Enhancement Framework by QAA Scotland, and involving all Scottish HE institutions, was on research teaching linkages. These links are important in developing graduate attributes and the skills employers need in graduates. Therefore, we should not treat teaching and research as totally separate activities.

Metrics are of use in informing institutional strategy and student choice. This said, student and employer decision making are complex processes drawing on a variety of factors, not all of which (rightly or wrongly) will be academic. It is also important to note that more information does not always lead to better decision making (see 'UK Review of the provision of information about higher

education: Advisory Study and Literature Review - Report to the UK higher education funding bodies by CFE Research, published by HEFCE in 2014).

We note that the three proposed metrics, which are outcome focused, are not direct indicators of excellence in learning and teaching and are not currently collected for this purpose. We therefore suggest that further work will be required to identify and refine any data sources. Again, given the use of such data in informing choice across the UK and beyond, we believe that this discussion should draw on views from across the UK.

***Where relevant, should an approved Access Agreement be a pre-requisite for a TEF award? What other mechanism might be used for different types of providers?***

It will be important to develop a system that takes account of and accommodates the diversity of access policy and regulation across the UK. We note that Access Agreements only apply to (some) English providers and therefore this requirement could create incompatibility with the systems in the rest of the UK. It is therefore vital that there is dialogue with the whole UK sector and with the devolved administrations.

***Do you agree with the proposals on:***

- a) what would constitute a 'successful' QA review***
- b) the incentives that should be open to alternative providers for the first year of the TEF***
- c) the proposal to move to differentiated levels of TEF from year two?***

As noted above, quality reviews across the UK all assess universities and HE institutions against the UK Quality Code for Higher Education. Therefore, a QAA quality review in Scotland (ELIR) must satisfy this requirement, as should a review in Wales (please see our comments above on ELIR and TEF). Given the link to fees, it is important that this is recognised and that there is dialogue on the development of the TEF that is UK-wide, not least so that students domiciled in England can continue to be funded to study at Scottish institutions if they so desire. English students studying in Scotland should have access to the same tuition fee loan to that available for study at an English institution. To do otherwise risks reducing student choice and distorting the cross border flow of students.

We note the HEA initiated national GPA pilot in 2013 identified that significant development work would be needed for successful implementation. There will also be learning from the development of the greater granularity in HE Achievement Reports. We believe that any development must address the diversity in course structures and subjects which is a strength of the sector.

We remain concerned about HEFCE's proposals on external examiners which we do not believe will strengthen the current arrangements and could, in fact, weaken them.

***How can we minimise any administrative burdens on institutions? Please provide any evidence relating to the potential administrative costs and benefits to institutions of the proposals set out in this document.***

There must be care that the TEF and any associated changes create bureaucratic requirements that are justified and proportionate.

We are particularly concerned that subject level TEF would be very burdensome. The previous system of subject level assessment placed a significant burden on institutions with a corresponding cost, both for the institution and for those in charge of the reviews. The subject level assessments

ceased because the high quality of provision did not justify continuing these high cost assessments (though, of course, institutions continue to review subject-level provision). Furthermore, some disproportionate costs could draw institutional resources away from learning and teaching, which would be a very perverse outcome.

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

We do not believe that a system of complex differentiation is either appropriate or a foundation for compatibility of systems across the UK. Again, discussion of the development of this system should take account of views from across the UK sector.

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

We have concerns about how this is measured, see below.

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

As noted above, we believe that the three proposed metrics, which are outcome focused, are not direct indicators of excellence in learning and teaching and are not currently collected for this purpose. Whilst NSS is a useful tool, it measures student satisfaction and not the quality of the teaching. Similarly, it is debatable whether DLHE and retention rates measure quality (see below).

Moreover, many of the proposed metrics will be influenced by other factors. We know that subject of study, age, sex, ethnicity, disability, and the mode of study of individual students at an institution all influence NSS scores, for instance. Employment outcomes are influenced by students' socio-economic background and by the location of the institution and the state of the local economy. Small specialist providers may be particularly disadvantaged by generic metrics. For this reason, HESA and others use benchmarking when displaying many of their statistics. It is important that TEF does not ignore these influences, which are largely out of the control of institutions.

It is important that the metrics used can adequately reflect the experiences of students beyond traditional full-time 18 year old entrants, i.e. mature students, part-time students and widening access students. It is important that the measures do not introduce perverse incentives or encourage 'gaming' of any kind.

To reiterate, we suggest that further work will be required to identify and refine any data sources. Again, given the use of such data in informing choice across the UK and beyond, we believe that this discussion should draw on views from across the UK.

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

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

Whilst the aim of the proposal is laudable, we are concerned that no evidence has been cited to support it and therefore there is a risk of making changes at some cost with no benefit. In addition, our institutions currently use names to, for example, identify widening access students who have attended outreach work. We do not want to disadvantage these students. We therefore encourage engagement with UCAS and with admissions networks across the UK to develop proposals that support the full breadth of widening access work.

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

As noted above, dialogue on the equivalence of systems across the UK would be beneficial.

***What other groups or measures should the Government consider?***

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

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

Data is a key element in access policy and practice. It may be useful to note that data has been a significant theme of the work of the Commission on Widening Access in Scotland which published its interim report in November 2015<sup>1</sup>.

That interim report identified three main purposes for which data and evidence are needed to support access:

1. Real time data and information is required:
  - to support decisions about individuals, e.g. to incorporate contextual information into the application process; and
  - to track individuals through school, college and university to ensure that they are provided with the support that they may need at key transition stages and when studying within the higher education sector.
2. Robust data and evidence is required to evaluate interventions, not just locally to support delivery, but also nationally to share and develop information on what works.
3. Data and evidence is also needed regionally and nationally to support targets and to provide a coherent picture of progress on widening access, e.g. to compare the performance of different student cohorts in order to understand the nature of systemic barriers and where further improvement is needed.

Any development of data collection is likely to have administrative implications and these must be taken into account. In that context, the Commission has also noted that better use could be made of existing data sources with scope to share data and information across sectors to better support decisions about individuals, track their progress and provide appropriate support.

Again, we believe that a dialogue across the UK on data needs would be beneficial.

### ***Opening up the sector to new providers (Part B: Chapter 1)***

***Do you agree with the proposed single route into the higher education sector?***

The proposed changes to Degree Awarding Powers and University Title arrangements will have consequences for the whole of the UK and the views of the sector across the UK will need to be considered. For instance, as noted under section C below, any proposals for a change to the role of the Privy Council will require such dialogue across the UK.

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<sup>1</sup> See <http://www.commissiononwideningaccess.co.uk/#!publications/ca60>

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

We have some concerns that the new process may not give sufficient weight to track record. There is a reputational risk for the UK brand of HE if this goes wrong, and, critically, there is a risk for the students involved. We would therefore suggest retaining a longer time period. We are also concerned about the international reputation of UK HE if university title is given to very small organisations because this may not match with expectations elsewhere in the world.

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

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

We note that the commentary in this section includes: “It will also not be in the taxpayer’s interest to offer ongoing financial support (whether via grants or loans) to sustain institutions in difficulty, or where there is a failure to comply with regulatory requirements, including a Tier 4 sponsor licence”.

This assumes that not holding a Tier 4 licence is linked to providing poor quality education. This assumption is flawed in that the ability to have a Tier 4 licence is not based solely on providing quality education and indeed it is mainly based on meeting the requirements of immigration policies set by government. So even if institutions decide to cease provision, the removal of a Tier 4 license cannot be the pre-requisite for such an action, as autonomous organisations such a decision will always be based on a business case proposed by the respective institution.

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

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

Some of the bodies mentioned including QAA and HESA operate across the UK and are sector owned. Any changes, whether legislative or policy-driven, must therefore take account of the needs of the sector across the whole UK.

The current broad UK-wide framework which encompasses all publicly funding HE provision in the UK is essential to protect and best serve individual institutions – acknowledging the routine transfer of staff and students and significant partnerships in learning, teaching and research across the whole of the UK – and for preserving the confidence in UK HE as a brand across the world. The framework has been, and must remain to be, sufficiently flexible so as to preserve – or even encourage – the diversity of process and practice.

***What are your views on the proposed options for allocating Teaching Grant?***

Universities Scotland has no position on these options or related questions in this section, as they affect only English HEIs other than to note that it will continue to be important that funding systems across the UK support students in choosing study at any institution across the UK. Any organisation responsible for teaching funding will have to have the capacity to consider the implications of policy or administrative change on the UK-wide student market.

***Do you agree with the proposed deregulatory measures?***

Freedom of Information

The proposal to remove English HEIs from the scope of Freedom of Information legislation will be noted with interest by Scottish HEIs. Separate FOI legislation applies in Scotland, enforced by a

separate regulator (the Scottish Information Commissioner), and therefore the proposed exemption for HEIs would not automatically extend to Scotland. Scotland's HEIs are committed to transparency, which is guaranteed through the Scottish Code of Good HE Governance and many other regulatory requirements. However, they would welcome the removal of FoI obligations, which impose a very high administrative burden on institutions and, consequently, the diversion of resources away from core educational and research activity. Were such an exemption to apply in England but not in Scotland, this would set Scottish HEIs at a competitive disadvantage. The possible anomalies created by this hypothetical situation should also be considered. For example, given that there are many collaborations between Scottish and English HEIs, this creates the possibility that FoI-exempt institutions in England could still find information about themselves released under FoI, via requests to partner institutions in Scotland.

#### Role of the Privy Council

We note with interest the proposal to remove partially or fully the requirement for HEIs to seek Privy Council approval for changes to their governing documents. Scotland's HEIs would welcome dialogue over improvements to the regulatory landscape, in particular where these would enable institutions to operate more efficiently and to expedite decision-making.

The Green Paper relates this proposal to competition with alternative providers (primarily in England), but in any case the intensely competitive and fast-moving international context in which all UK HEIs operate makes it important for regulatory and governance procedures to be robust but no more complex or time-consuming than necessary. Irrespective of the precise role of the Privy Council, it is important that any change to the regulatory landscape in this area should increase the transparency and efficiency of the overall system. Therefore, and pending more detail, we are broadly supportive of an approach in which HEIs would be free to make changes to governing documents, with appropriate oversight by a competent body to ensure regulatory and legislative compliance. In the interests of transparency, the roles of officials of the devolved and UK governments should be carefully considered and clarified as part of any review of this area.

The sector contains a great deal of expertise in HE governance and regulation and HEIs would welcome the opportunity to advise on frameworks that would promote transparency and efficient operations.

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

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

The UK Government's commitments to fund excellence where it is found, and to the Haldane Principle are very encouraging in relation to the design of the future structure of research funding in the UK and as a crucial foundation to the continuing outstanding success of the UK's academic research base. It is important these commitments remain prominent.

As the UK Government has committed to taking forward the recommendations of the Nurse Review, we look forward to further discussion of the details of implementation. At this point, we have outlined some considerations raised by the Universities Scotland membership. Our key aims are:

- maintain the robustness of the dual support system; and
- ensure appropriate representation of Scottish research and involvement with UK-level decision making processes.

## Governance of Research UK (RUK)

The RUK Board does not include Scottish, or other devolved nation, representation. The stated intention is that one of RUK's roles would be 'formulation of overall research strategy for the UK' therefore equitable representation across the UK will be essential.

## RUK relationship with Government

Chapter 3 of the Nurse Review recognises 'that there is a need to solicit and respond to distinct research priorities and evidence requirements identified by the devolved administrations'. We consider that, as the Ministerial-level Committee has a UK-wide remit, there would be a need to ensure sufficient representation from the devolved nations, especially in the context of significant UK Government departmental representation.

More broadly, while supportive of the goal of ensuring that science/research sits at the heart of Government, members have raised concern about the mechanism for maintaining the commitment to the Haldane Principle while introducing a new Ministerial-level Committee and an independent advisory group (currently proposed to be the Prime Minister's Council for Science and Technology). This highlights the need for clear detailing of the remit and relationships of the various committees involved to ensure this goal is achieved.

## Research Councils

The Research Councils have very effectively supported the UK's outstanding research base. They are valued by their communities. A particular strength is their capacity to establish and run their own facilities and employ research staff. This has supported some of the UK's leading science (e.g. MRC Units in Glasgow, Dundee, Edinburgh, LMB, Harwell, etc). Such UK initiatives allow foresighting and building UK research capacity where individual universities have lacked the gamut of skills and/or the resources. It is key that this major strength of the UK system is maintained.

## Mapping and excellence

The purpose of the mapping exercise would be to 'support high-level strategic discussions including analysis of strengths, weaknesses and gaps in the UK research portfolio' therefore there is a definite need to guarantee Scottish research is included, as well as ensuring that relevant bodies in the devolved administrations are given an opportunity to feed into and shape this exercise to achieve a consolidated understanding of UK research. We assume that any mapping would draw on the full depth of information available from the REF, thereby minimising the cost and burden of such an exercise.

## Widening access to funding

Public Sector Research Establishments, in collaboration with universities, would be appropriate recipients of excellence-based funding assuming that the funding streams which they currently draw upon are added to the quantum of funding available.

## Innovation

We note that the Green Paper did not touch on innovation structures; that changes to the higher education system (in terms of research and teaching, as well as directly to innovation) will impact on innovation; and that the Government intend to integrate Innovate UK with RUK. We agree that, whilst rightly distinct organisations, the alignment of Innovate UK and RUK has merit. We note that

the Nurse review makes comment on the development of innovation support and we look forward to further engagement on the future development of the UK innovation system.

***What safeguards would you want to see in place in the event that dual funding was operated within a single organisation?***

***Would you favour a degree of hypothecation to ensure that dual funding streams, along with their distinctive characteristics, could not be changed by that organisation?***

We welcome the UK Government's commitment to dual support. This system is widely recognised as an important foundation for the world-leading success of the UK research system.

The current funding system ensures responsive funding for specific projects towards specific outputs but crucially recognises and rewards the value of speculative funding to encourage ground-breaking research. This funding allows universities as autonomous institutions to respond flexibly to changing needs.

Briefly, the major characteristics of dual support are:

- stable, institutional funding awarded on the basis of peer-reviewed past performance (QR funding); and
- competitively awarded Research Council funding.

These characteristics are complementary and crucial to research success.

Our members have raised concerns related to the changes to the institutional structure of dual support, i.e. in bringing QR for English institutions within Research UK there will be a strong need for RUK to maintain an understanding of the operation of dual support across the whole of the UK and to tailor policy and funding to this. Specific concerns include:

- The creation of a cultural separation between research and teaching, and potential for knock on detrimental effects to the system. As the Green Paper makes clear, research-led teaching benefits students and integration of these two components of university activity is valuable.
- As the Nurse Review notes, bringing together English QR and UK-level research funding could 'expand the strategic capacity of the new organisation' and 'bring capabilities and new ways of working'. This could have unintended consequences as devolved nation HEIs do not benefit from such synergies. In a highly competitive funding environment, the potential benefits of this closer relationship (in terms of closer strategic alignment, direct communication lines and better understanding of the community, along with commonality of practice within a single organisation) could inadvertently disadvantage HEIs in devolved nations.
- The potential of a future situation where funding is moved between the two streams (either at the point of allocation, or in response to other pressures) leading to consequences for the availability of competitively awarded funding, or potential knock-on adjustment effects for devolved budgets. The level of risk in this is currently unclear, but it is feasible.

If QR funding for English institutions is allocated by RUK then there would need to be a very clear separation of QR funding and the UK-wide funding of research, with governance (including assessment and decision making processes) and budgets entirely separate. It would also be important to ensure transparency in how funds were allocated (including in determining the

proportion of QR and reserved Research Councils funding) to maintain confidence in the dual nature of this single organisation.

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

Feedback from US members has been supportive of the REF in terms of a recognised quality endorsement, delivering meaningful benchmarking and driving improvements within institutions.

REF and the resultant funding provides the UK with a mechanism to demonstrate internationally that research excellence is valued and supported. Performing well in REF allows leverage of additional funding and leads to further collaborative research opportunities. The inclusion of impact in REF2014 has also given all disciplines the opportunity to show-case the benefits of UK research.

The fact that the four UK higher education funding bodies worked together to ensure that the REF assessment worked for the whole of the UK is very important. Assuming that RUK would take over the operation of the next REF it would be important that the expertise from HEFCE is maintained and that the independence of assessment is maintained.

To ensure the benefits of REF are preserved, future REF exercises must command the confidence of the sector. Post-REF there is a wealth of comprehensive information available on what works and what doesn't, for example, one of the main findings from the 'Metric Tide' report is 'no metric can currently provide a like-for-like replacement for REF Peer review'<sup>2</sup>. We advise that the experience and expertise based on successive research assessment exercises existing both within the funding bodies and institutions is not ignored.

We note that some of the burden in RAE / REF has been driven by adapting to changes in methodology and administration. Thought should be given to this as change is considered. We also note that alternating between a full REF and a lighter-touch intermediate assessment every 5-6 years would also decrease the burden of the exercise. This was presented as Option C on p141 of the Metric Tide. We hope that the current review by Lord Stern will consider such a possibility.

***How would you suggest the burden of REF exercises is reduced?***

One key area in reducing the burden of REF exercises is ensuring the guidance and rules are available in a timely manner to institutions. The start of the period being assessed is likely to be 2014 and institutions are unlikely to have any comprehensive guidance until 2017 which will be at least half way through the assessment period. The burden of the exercise for all staff, academic and administrative, is inversely related to the amount of preparation time available to institutions. In addition, maintaining at least some consistency of requirements in terms of the REF submission between successive REFs allows institutions not to have to start from scratch for each exercise.

As outlined in the response to the next question, and explored in 'The Metric Tide', continually improving research information systems – to become maximally comprehensive and interoperable - could help greatly with reducing the burden of REF, in particular the gathering and quality assuring of the data underlying submissions. One example of how this could be supported by Government would be requiring ORCID IDs for all researchers submitted to REF (recommendation 10 of 'The Metric Tide').

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<sup>2</sup> <http://www.hefce.ac.uk/pubs/rereports/Year/2015/metrictide/Title,104463,en.html>

### ***How could the data infrastructure underpinning research information management be improved?***

Supporting the continued development and widespread use of comprehensive, systematically structured, interoperable and easy-to-use research information systems will transform the research community, particularly in reducing the reporting and auditing burden currently placed on researchers. We would suggest that recommendations of 'The Metric Tide', in particular recommendations 9 to 14, are explored further.

We have strong concerns regarding RCUK's current Researchfish system, echoing the Nurse report's statement that "...the Research Councils' current system, Researchfish, needs to be made more useful, more effective and more user-friendly"<sup>3</sup>. Researchfish must, as a priority, ensure the following: that clear justifications of the requirement for the information captured are provided to the researchers using the system; that work is undertaken to standardise the information captured in 'free text' fields, and that mechanisms to verify the accuracy of this information are explored; and, most critically, that the system be made fully interoperable, so that the information captured can be sourced from and shared with other research information systems. We hope that recommendation 9 of the Nurse review, which states that "RUK would have accountability for...Development and maintenance of research data management systems" will expedite such improvements to Researchfish.

In addition to the UK-centred comments above, we would like to see the UK adopt an international outlook on research information management where possible. Organisations such as euroCRIS<sup>4</sup> are working with institutions and funders across Europe to encourage the adoption of a common language for research information (CERIF).

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<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/478125/BIS-15-625-ensuring-a-successful-UK-research-endeavour.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/478125/BIS-15-625-ensuring-a-successful-UK-research-endeavour.pdf)

<sup>4</sup> <http://eurocris.org/what-eurocris>