Public sector equality duty

Question 1:

What are your views on the potential equality impacts of the proposals and other plans in this consultation?

City University London has a particularly diverse student population and we consider this a source of strength. How we formulate and deliver education takes this into account and informs all of our responses to this consultation. We welcome the clear support in the Green Paper for further widening participation and enhancing equality of opportunity.

a) Are there any equality impacts that we have not considered?

☐ Yes   ☐ **No**   ☐ Not sure

Please provide any further relevant evidence.

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

Question 2: 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.

We welcome an increased focus on teaching excellence for the sector.

A (differentiated) badge of teaching excellence might function as an additional tool for students in considering institutions and comparing specific courses across institutions. However, the suggestions for proxy measures of excellence to be included in TEF assessments overlap significantly with existing league table measures and the published Key Information Sets. It will therefore be important to students that TEF adds to their understanding and is not a reductive presentation of existing information. Consequently, development of the TEF should favour richer outcome-based measures such as learning gain and student engagement. We are sceptical that student decision making will be better informed by 'input' measures such as teaching hours and numbers of staff on permanent contracts and so would not support the direct inclusion of such measures in the TEF.

City University London employs many part-time and visiting valued practicing professionals. We consider this to be vital to the delivery of vocationally relevant, employer-linked and high quality provision, and of course is practically essential for those accredited programmes that offer a 'passport to the professions', for example Engineering, Law and Health (more than 65% of City's programmes have accreditation). Other programmes also benefit from and are valued by employers for professional and practitioner contributions, including Business and Management, Journalism, and Economics. Any deterrent created by a TEF input measure based on contractual arrangements would risk a huge loss to the student experience.

It is appropriate that a TEF award would include consideration of how an HEI is equipping its students to enter the workplace and the proposals include a measure relating to employment rates of graduates. This would provide employers with a

generalised understanding of the prospects for graduates of a course. However, it is not yet clear how a such a TEF judgment could help employers in understanding the range of skills and knowledge that graduates from a specific HEI bring from a specific course.

Consideration also needs to be given as to how the achievements and often excellent long term prospects of students entering non-traditional careers (e.g. entrepreneurship and small businesses) would be measured and reflected.

Question 3: Do you agree that the ambition for TEF should be that it is open to all HE providers, all disciplines, all modes of delivery and all levels?

☐ <mark>Yes</mark>　　　　☐ No　　　　☐ Not sure

Please give reasons for your answers.

It is appropriate that all providers should have access to a TEF assessment.

Question 4: 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?

We support this requirement given the welcome focus on widening participation. The Green Paper suggests that the TEF process will include assessment of an institutional submission of evidence. Demonstration of how learning and teaching is planned and delivered to improve student prospects relative to the HEI's student population could be part of any institutional submission. This is particularly relevant where those populations include significant numbers of students from non-traditional and low participation backgrounds.

We assume that development of future Access Agreement arrangements and TEF together can address the potential pitfall that those providers with a high TEF Level can charge more which may deter applications from those with less prosperous backgrounds (e.g. via new guidance on appropriate bursary commitments).

Question 5: Do you agree with the proposals on:

a) *what would constitute a 'successful' QA review*

☐ <mark>Yes</mark>　　　☐ No　　　☐ Not sure

b) *the incentives that should be open to alternative providers for the first year of the TEF*

☐ <mark>Yes</mark>　　　☐ No　　　☐ Not sure

c) *the proposal to move to differentiated levels of TEF from year two?*

☐ Yes　　　☐ <mark>No</mark>　　　☐ Not sure

Please give reasons for your answer.

As noted in Chapter 3 paragraph 13, the proposed common metrics are proxies and not direct measures of quality and learning gain. Ideally, new and robust metrics for quality and learning gain, linked specifically to the purposes of the TEF, would be available before differentiated TEF levels are introduced. We suggest that this may not be possible from year two, and implementing a robust framework will be a longer process. Until such new measures are available, differentiated levels should be linked to access, quality assurance and student protection measures. We note the risk that the differentiated TEF levels awarded at year based on proxy metrics in year two might simply mirror existing league table rankings based on the proxy metrics, and hence not fulfil the aims of TEF.

Question 6: Do you agree with the proposed approach to TEF assessments on

Timing?

☐ Yes   ☐ No   ☐ Not sure

Assessment panels?

☐ Yes   ☐ No   ☐ Not sure

and process?

☐ Yes   ☐ No   ☐ Not sure

Please give reasons for your answer.

The use of institutional submissions, and a process involving panels, will be time-consuming and resource-intensive. There is clearly a question as to whether this would add sufficient value to a TEF assessment resulting in a position in one of four or five levels, particularly if the dominant component of the assessment is proxy or actual quality and outcome measures. We acknowledge that the intention to publish the TEF assessments at subject level could provide students with useful additional information from the assessed institutional submissions, but wonder whether this will be a sufficiently significant improvement over what is already available to students.

If submission and panel assessment is to be used, we support a cyclical process of submission and renewal as the most practical solution. We would also support student involvement in the panels.

Question 7: 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.

The TEF, QA and Access Agreement processes should be combined to the greatest extent possible in order to avoid an additional layer of regulation (albeit light touch and risk based). Requiring a single set of metrics and institutional monitoring and reporting so that the same information is not requested from (or

being provided to) institutions more than once during a given year (or cycle) would be welcomed, as would templating and streamlining submission of common thematic and practical areas in any panel assessment process.

Question 8: Do you agree with the proposed approach to differentiation and award as TEF develops over time?

☐ Yes ☐ No ☐ <mark>Not sure</mark>

Please give reasons for your answer.

See answers to Questions 4, 6 and 7. Our main concern is that the TEF is robust and that differentiation and award is based on direct rather than proxy measures of teaching excellence, learning gain and student outcomes.

Question 9: Do you agree with the proposed approach to incentives for the different types of provider?

☐ <mark>Yes</mark> ☐ No ☐ Not sure

Please give reasons for your answer.

We support appropriate transitional arrangements being made until all providers are within the same regulatory framework.

Question 10: Do you agree with the focus on teaching quality, learning environment, student outcomes and learning gain?

☐ <mark>Yes</mark> ☐ No ☐ Not sure

Please give reasons for your answer.

This focus is appropriate in incentivising the pursuit of educational excellence that is already familiar at City University. We would emphasise and prioritise a focus on learning gain and student outcomes based on actual rather than proxy measures, and look forward to contributing to the technical consultation.

Question 11: 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?

☐ Yes ☐ <mark>No</mark> ☐ Not sure

Please give reasons for your answer.

As noted in Chapter 3 paragraph 13, the proposed existing common metrics are proxies and not direct measures of quality and learning gain, and may not be robust. As an obvious example, graduate employment rates are not solely linked to quality or learning gain. Ideally, new and robust metrics for quality and learning gain, linked specifically to the purposes of the TEF, will be developed.

In terms of evidence from the provider, if an institutional submission is to be part of the process, the TEF should allow institutions to show that teaching and learning is formulated to support their specific institutional aims and to provide opportunities to students based on their needs, including widening participation populations. The Access Agreement submission, which combines a resource plan, metrics and milestones and an institutional 'case' may serve as a model here.

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

Question 12:

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

☐ **Yes**   ☐ No   ☐ Not sure

Please give reasons for your answer.

City University London is proud of its track-record in widening participation, and is committed to the on-going access, success and progression of students from all backgrounds to Higher Education and beyond into employment. We have a high proportion of students from non-traditional backgrounds or those under-represented in Higher Education and agree with the Government's focus on this area.

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

☐ Yes   ☐ **No**   ☐ Not sure

Please give reasons for your answer.

We agree with the view offered by the Director for Fair Access that the current process of agreeing Access Agreement targets is effective and we consider that it maintains an appropriate level of institutional autonomy. In cases where OFFA challenges an institution's targets or where further clarity is needed a process of negotiation leads to the agreement of targets. We agree with OFFA that this means universities 'own' these targets and have not had them imposed. Consequently, institutions agree from the outset that their targets are achievable (if challenging) with dedicated work. If targets are set externally the process is open to challenge from institutions and that they were unrealistic.

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

City University London has a strong track-record in taught full-time and part-time postgraduate provision, and in education of mature students, with very high employment outcomes. We acknowledge and welcome the Spending Review announcements that affect these groups, and believe the Government should continue to consider measures that promote access to higher education for these groups.

Question 13:

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

Being able to track individual learners across different outreach interventions from a young age throughout their school and college years, into Higher Education and beyond would provide valuable means of establishing impact of widening participation activity. It would also enable institutions to better target activity and to evaluate their work.

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

Resource would be needed to capture, log and monitor any data not already collected. We would anticipate additional resource being required to adapt our existing data analysis and reporting mechanisms to incorporate new data sources and then evaluation of their use. The technical consultation and outcomes will provide more indication of additional resource required.

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

Question 14: Do you agree with the proposed single route into the higher education sector?

☐ Yes ☐ No ☐ Not sure

Please give reasons for your answer, including information quantifying how the potential cost of entry would change as a result of these proposals.

We support a single route of entry by creation of a single 'gateway' operated by a single organisation. We would be cautious about reducing barriers to the extent that control over the quality of new providers is lost. For example, risk would be heightened by a reduction in the requirements for track records in financial sustainability or teaching through a cohort of students to degree-level.

Question 15:

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

☐ Yes ☐ No ☐ Not sure

Please give reasons for your answer.

It is not necessary that longstanding and historically 'low risk' institutions should be subjected to the same levels of regulation as relatively new or historically higher risk providers. A consistent and transparent approach that takes these factors into account in order to reduce regulatory burden on institutions is welcome.

We have a concern that increasing use of university title for organisations that have very limited or no involvement in research and scholarship, or enterprise and knowledge exchange, could be misleading to potential students and to the wider community.

b) *What are your views on the options identified for validation of courses delivered by providers who do not hold DAPs?*

We support the creation of a wider set of validation options. The third option in paragraph 24, appropriately regulated and quality-controlled by the Office for Students, would seem to carry the least risk.

Question 16: Do you agree with the proposed immediate actions intended to speed up entry?

☐ <mark>Yes</mark>   ☐ No   ☐ Not sure

Please give reasons for your answer.

No comment.

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

Question 17: 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?

☐ <mark>Yes</mark>   ☐ No   ☐ Not sure

Please give reasons for your answer, including evidence on the costs and benefits associated with having a contingency plan in place? Please quantify these costs where possible.

Students should be assured continuity in the event of an institution closing. Any regulatory requirements should be proportionate and risk-based in approach, recognising the variation in risk of exit for different providers.

Simplifying the higher education architecture (Part C)

Question 18:

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

☐ Yes   ☐ No   ☐ **Not sure**

Please give reasons for your answer.

We welcome the establishment of a body with overall responsibility as lead regulator for the sector, and the emphasis on promotion of and protection of students' interests.

We think it important that this body should provide oversight of the whole sector and be able to take a whole institutional perspective, incorporating education, research and enterprise, in order to deliver coherent policy and regulation and to properly promote the student interest. Research, education and enterprise take place together in a university, and of course are undertaken together even at the level of individual staff member, and dividing their regulation would be difficult to achieve and unhelpful to the student or sector.

We would also suggest that the body's name could better reflect this broader mandate and the relationship between the new regulator, the sector and students. Possibilities include the Office for Students and Higher Education.

There is also an obvious concern that the new architecture does introduce complexity and the potential for increased bureaucracy. For example, the current single funding body may have two or three successors.

b) *To what extent should the Office for Students (OfS) have the power to contract out its functions to separate bodies?*

   ☐ *Fully*   ☐ *Partially*   ☐ *Not at all*

c) *If you agree, which functions should the OfS be able to contract out?*

The functions currently contracted out by HEFCE (QA and HESA) could be contracted out by OfS in a similar manner.

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

   Option 1: BIS Ministers set strategic priorities and BIS officials determine formula.

   ☐ Agree   ☐ **Disagree**   ☐ Not sure

   Option 2: BIS Minister sets strategic priorities and allocation responsibilities divested to OfS

   ☐ **Agree**   ☐ Disagree   ☐ Not sure

Please give reasons for your answer,

If the Office for Students is to be most effective it should have responsibility for allocation. This gives it policy levers through which to achieve ministerial strategic priorities and carrying out other more general duties (including promoting the

student interest), and would reduce the burden for institutions of maintaining interfaces with multiple organisations.

Question 19: Do you agree with the proposal for a single, transparent and light touch regulatory framework for every higher education provider?

☐ <mark>Yes</mark>   ☐ No   ☐ Not sure

Please give reasons for your answer, including how the proposed framework would change the burden on providers. Please quantify the benefits and/or costs where possible.

A common framework operated by a single body will provide clarity around entry, limit regulation based on risk, better inform students and other stakeholders and protect their interests.

Question 20: What steps could be taken to increase the transparency of student unions and strengthen unions' accountability to their student members?

The partnership between City University and its Students' Union is highly valued and contributes significantly to the experience of students at the University. This can be seen both directly in services and support provided to students, and in supporting University developments through highly effective and engaged student voice and representation mechanisms.

Unfortunately perceptions of Students' Unions based on existing measures can be weak, as the effective representational work they undertake is often under-recognised. It is often Students' Unions with large physical presence and commercial services that have been more successful in the NSS, but this does not necessarily reflect the impact of a Students' Union on supporting students' education.

We would encourage more work with the NUS and Students' Unions to transform the perception of the value of their representative functions, and for the Office for Students and institutions to promote understanding of how the governance of Unions operates and provides transparency and accountability.

Question 21:

a) Do you agree with the proposed duties and powers of the Office for Students?

☐ Yes   ☐ <mark>No</mark>   ☐ Not sure

Please give reasons for your answer.

We agree with most of the duties and powers. We do not agree with the power to charge a subscription fee (see next answer), and on the validation provision (see answer to Question 15 (b)).

b) *Do you agree with the proposed subscription funding model?*

☐ Yes   ☐ **No**   ☐ Not sure

Please give reasons for your answer.

The proposed role of the OfS is substantially wider than that of a regulator and includes delivery of government policy objectives. It would not be appropriate for institutions for fund all of the cost of the new body.

Question 22:

a) *Do you agree with the proposed powers for OfS and the Secretary of State to manage risk?*

☐ **Yes**   ☐ No   ☐ Not sure

Please give reasons for your answer.

No comment

b) *What safeguards for providers should be considered to limit the use of such powers?*

No comment.

Question 23: Do you agree with the proposed deregulatory measures?

☐ **Yes**   ☐ No   ☐ Not sure

Please give reasons for your answer, including how the proposals would change the burden on providers. Please quantify the benefits and/or costs where possible.

We support in particular the simplification of the role of the Privy Council.

Reducing complexity and bureaucracy in research funding (Part D)

Question 24: 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?

We support retention of the dual support system and reward for performance based on peer review and proven impact that enables universities to plan strategically.

We can see the potential reduction in complexity that might apparently flow from delivering dual support from a single body (or two research funding bodies working closely together). However, the student interest and the long term success of many universities rely on them continuing to be places of research, scholarship,

education and knowledge exchange, so we anticipate that in practice both regulator and funders will need to work closely together as the reforms develop.

Question 25:

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

We would support 'locking in' the separation of the two funding streams in any governance arrangements.

b) *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?*

☐ Yes   ☐ No   ☐ Not sure

Please give reasons for your answer

See answer to Question 25(a).

Question 26: What are the benefits of the REF to a) your institution and b) to the wider sector? How can we ensure they are preserved?

The REF informs the allocation of QR funding and provides accountability and evidence for the public investment in research.

From the point of view of City University, the REF provides a useful framework for developing research (and impact) strategy, for motivating academics to ensure their outputs and impact are of the highest quality, and for driving planning processes. It also enables the institution to improve its reputation externally and to demonstrate its research quality to stakeholders and to its governing body. The generation of impact case studies has also been useful for in developing our external profile and reputation, and for helping us to ensure that the research of the university is known to as wider audience as possible.

We can ensure the benefits are preserved by ensuring that the development of the REF is grounded in evidence and backed by robust peer review processes.

We would emphasise that for certain disciplines in the social sciences and arts, the credibility and quality of assessment for any future REF will need the maintenance of expert sub-panels because metrics are not available and the use of metrics alone would provide an inadequate indicator of research quality and impact.

Question 27: How would you suggest the burden of REF exercises is reduced?

The Green Paper cites an administrative cost at 2.4% of the annual funding distributed. Whilst the REF produces important metrics and are widely used, and whilst it attracts a reasonable amount of funding, universities will always work hard

to maximise their performance in the REF. We could move to a more metrics based approach (e.g. citations). However, universities will simply move their efforts to do better by these metrics (e.g. ensuring high levels of open access in publications to increase citations.) Since most of the cost of the REF is born by universities, it seems unlikely then that the burden will be reduced whilst such high priorities are placed on ensuring a good REF performance and the reputational benefit that flows from it. However, the use of metrics could still be important, especially in informing the assessment process of outputs.

We support the use of more metrics where appropriate in a future REF but emphasise that for some social science disciplines and most of those disciplines covered in the previous panel D, no suitable metrics exist for output assessment which would maintain the credibility of assessment. We therefore regard it as important that other forms of peer review assessment are maintained in a range of disciplines in these fields.

Question 28: How could the data infrastructure underpinning research information management be improved?

It is important that such data is presented in a common format and that it can be exported from one system and imported by another. We would expect JISC could have a role in ensuring that open access data systems could be constructed to fulfil the requirements of the university sector, which would meet the evolving requirements of the funding bodies and government.

Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.