



Department for Business, Innovation & Skills

Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice - Consultation

You can reply to this consultation online at:

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<https://www.gov.uk/government/consultations/higher-education-teaching-excellence-social-mobility-and-student-choice>

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The closing date for this consultation is 15/01/2016

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Please tick the box that best describes you as a respondent to this consultation.

| | |
|---|---|
| | Alternative higher education provider (with designated courses) |
| | Alternative higher education provider (no designated courses) |
| | Awarding organisation |
| | Business/Employer |
| | Central government |
| ✓ | Charity or social enterprise |
| | Further Education College |
| | Higher Education Institution |
| | Individual (Please describe any particular relevant interest; parent, student, teaching staff etc.) |
| | Legal representative |
| | Local Government |
| | Professional Body |
| | Representative Body |
| | Research Council |
| | Trade union or staff association |
| | Other (please describe) |

Public sector equality duty

Question 1:

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

We are pleased that this consultation considers the potential equality impacts as required under the public sector equality duty and welcome the proposal that the metrics in the TEF be broken down and reported by disadvantaged backgrounds and under-represented groups.

It is however important to note that the public sector equality duty of the Equality Act 2010 only extends to the protected characteristics as defined in that Act. It does not extend to, as mentioned in Annex A paragraph 3 to 'family income and economic status' due to part 1 of the Equality Act 2010 not being brought into force. Therefore while we welcome the dual focus on both protected characteristic groups and socio-economic status, there must be a clear and distinct consideration of the potential impact of the proposals on different protected characteristics

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

Yes

No

Not sure

Please provide any further relevant evidence.

As noted in Annex A, paragraph 6, women and ethnic minorities disproportionately face information barriers. Whilst we agree that access to information is important in terms of university choice, choice can be limited by a number of other factors.

For example, part-time students and older students may have limited choice because they have established connections where they currently reside (see for example McVitty, D. et. al¹). There is also evidence that proximity to home is significant factor for students from lower socioeconomic backgrounds when making choices about which university to attend (see for example Harding, D.²). When looking at ethnicity, various studies show proximity to home is also a key consideration, for example:

“The probability that a student attends a specific university decreases by 8%-15% with each 10% increase in home-to-university distance. This distance cost is observed for all ethnic and income groups, but is highest for Pakistani and Bangladeshi girls and low income students” (Gibbons and Vignoles, 2009³).

Similar issues arise for those with caring responsibilities (of which women are disproportionately over-represented) and for disabled students, particularly those with personal care packages due to problems associated with the transfer of responsibility for care provision from one local authority to another (NUS, 2009⁴).

The issue of proximity to home is therefore especially important should there be issues of provider exit because it is not as easy for some protected groups to move

¹ McVitty, D. et. al. *Never too late to learn: mature students in higher education*. NUS, million+ (http://www.nus.org.uk/PageFiles/12238/2012_NUS_millionplus_Never_Too_Late_To_Learn.pdf)

² Harding, D.² *Choice and Information in the public sector: a higher education case study*. Social Policy and Society, Vol 11, April 2012. pp 171-192.

³ Gibbons, S., & Vignoles, A. (2009). Access, choice and participation in higher education. Centre for the Economics of Education Discussion Paper No. 101.

⁴ NUS (2009) Life, not numbers (<http://www.nus.org.uk/PageFiles/12238/life-not.pdf>)

to a new provider. Good support for those affected by such an exit will therefore be important.

For other protected characteristics, university choice is similarly complex. There is evidence that some gay students consciously do not apply to universities situated in places they assumed would be governed by certain values regarding sexuality and gender (see Taulke-Johnson, 2010⁵). This is echoed in our research⁶ that shows that lesbian, gay, bisexual and trans students report significant levels of negative treatment.

In relation to religion and belief, there is anecdotal evidence for example that some students of faith choose to go to church foundations institutions because of the belief that this is where they will feel comfortable.

Student choice is complex and therefore the TEF in itself must be supplemented by other ways to progress equality and diversity in higher education. This includes consideration on retention and progression so that there are improved outcomes for different protected groups.

As an organisation, ECU works with the HE sector to further develop the evidence base on equality issues and we would welcome working with BIS to further illuminate the range of issues. This will also include understanding how current changes (such as the changes to disabled students' allowance) will impact the sector and how the combination of changes to the sector will have varying equality implications.

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.

As noted in the consultation, there is no one accepted definition of excellence, and thinking has therefore been shaped by a list of principles (pp 21, paragraph 15). Diversity is noted in the first of these principles and we consider that the diversity of students and staff is also vital to excellence, because diversity provides for exchange of new ideas and thinking. We would recommend that this principle include the diversity of people. Indeed throughout the consultation, the word diversity is used in the context of the diversity of providers when there is real value at also ensuring diversity in students and staff.

From the onset, in the design of the TEF there must be a focus on under-represented and disadvantaged groups in order for there to be better information. The TEF will need to be evaluated over time to better understand its impact, ensure

⁵ Taulke-Johnson, R. (2010a) 'Queer decisions? Gay male students' university choices', *Studies in Higher Education* 35(3): 247-261.

⁶ <http://www.ecu.ac.uk/wp-content/uploads/2015/04/Experiences-of-LGBT-staff-and-students-in-he.pdf>

that the different needs of different groups are met, and also to ensure that it does not drive the concentration of different groups of students in certain universities.

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?

Yes No Not sure

Please give reasons for your answers.

Our annual equality statistical reports⁷ show that there are disciplinary differences by protected characteristics, such as gender and ethnicity. For example, 19.3% of UK-domiciled Black students study subjects allied to medicine, as compared to 0.2% for agriculture and related subjects. What this implies is that for there to be any meaningful comparison for students, information from the TEF must be at a discipline level rather than institutional level.

Assessment of different modes of delivery is also important when it comes to equality implications – for example, women and older students are more likely to study part-time, and a student who becomes pregnant while studying may decide to explore the level of flexibility the institution can offer (length of maternity-related absence, flexibility in part-time study and alternative 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?

As equality and diversity is a strategic priority in Access Agreements, we agree that where relevant an approved Access Agreement could be a pre-requisite for a TEF award.

Question 5: Do you agree with the proposals on:

a) what would constitute a 'successful' QA review

Yes No Not sure

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

Yes No Not sure

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

Yes No Not sure

⁷ <http://www.ecu.ac.uk/publications/equality-higher-education-statistical-report-2015/>

Please give reasons for your answer.

There is considerable discussion of teaching quality in the consultation including for example better training for lecturers, and curriculum design. For different students to really benefit from the TEF, consideration must be given to information on inclusive curriculum, inclusive forms of assessment, and the equality and diversity competencies of teaching staff – this has to form part of the understanding of what teaching excellence means and we await the technical consultation to understand how this is incorporated.

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.

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.

No specific comments

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

Yes No Not sure

Please give reasons for your answer.

As mentioned in answer to question 3, there is strong evidence of differentiated participation by protected characteristics groups in different disciplines, and

therefore it is important that there is discipline specific information as soon as practicable.

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

Yes No Not sure

Please give reasons for your answer.

We consider that further thought is required on the approach to increasing the fee cap in line with TEF performance. This is because this may result in an unintended consequence whereby institutions which perform well in increasing the participation of underrepresented and disadvantaged groups will be allowed to raise their fee cap, and the raised fees may then become a disincentive for future students from disadvantaged and underrepresented groups.

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

Yes No Not sure

Please give reasons for your answer.

In principle, we agree with the areas of focus, and welcome that in terms of teaching quality, consideration is given to 'developing **all** students' knowledge and skills' (emphasis added) and therefore inclusive pedagogy and different learning styles. This should also be in the case when it comes to the learning environment, because different students will require different types of resources in order to get the best possible learning outcomes.

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 No Not sure

Please give reasons for your answer.

In principle, we agree that there must be common metrics in order for there to be comparability. Like the Research Excellence Framework, we consider that equality and diversity must be an underpinning principle to the TEF. This would therefore require that not only should existing data be explored via an equality and diversity lens, but that there should be further consideration on how this data can help understand different experiences and where there can be improvements. For example, this could mean not just having the NSS data analysed for differences by different protected characteristics but by having more probing questions such as the diversity and accessibility of the curriculum.

We understand that the metrics are subject to a technical consultation, but we would recommend that any metrics considers the whole student life-cycle and the diversity of students. This would mean looking at participation rates, continuation rates, degree attainment and outcome, and employment outcomes by different protected characteristics.

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.

Under-representation and ethnicity in higher education is complex. Participation of BME students in higher education has increased steadily for the last decade and in academic year 13/14, 20.2% of UK-domicile students were from a BME background⁸. Yet there is evidence that they are less represented in selective institutions (see Tatlow, P. 2015 and also Boliver, V., 2015⁹) and that at university, there are outcome disparities even between ethnic groups in terms of degree attainment¹⁰ and employment¹¹ even after controlling for other factors. The intersections of protected characteristics adds further complexity to the issue. Data from the HESA on academic year 2013/14 shows that 80.3% of qualifiers who were white women left their university with a first class or upper second class (2:1) degree. This compares against 74.5% of white male qualifiers, 66.9% of BME female qualifiers and just 32.5% of BME men.

We believe that this can be partially attributed to the compounded disadvantage due to ethnicity over time, and this may in itself be a reason why BME people enter higher education (for example because they are unable to gain employment or because they consider that in order to gain employment, they must be better qualified than their white peers). Therefore, we would recommend further research into the issue of the participation of white males from disadvantaged backgrounds in higher education building on existing work¹² in this area, recognising the wider

⁸ <http://www.ecu.ac.uk/publications/equality-higher-education-statistical-report-2015/>

⁹ Tatlow, P. (2015) 'Participation of BME Students in UK Higher Education' and Boliver, V. (2015) 'Why are British Ethnic Minorities Less Likely to be Offered Places at Highly Selective Universities?' (<http://www.runnymedetrust.org/uploads/Aiming%20Higher.pdf>)

¹⁰ <http://www.ecu.ac.uk/publications/ethnicity-gender-and-degree-attainment-report/>

¹¹ See for example Li, Y. (2015) 'Ethnic Minority Unemployment in Hard Times' (<http://www.runnymedetrust.org/uploads/Aiming%20Higher.pdf>) and Zwysen, W. (forthcoming) (<https://www.understandingsociety.ac.uk/scientific-conference-2015/papers/66>)

¹² See for example <http://www.runnymedetrust.org/uploads/publications/pdfs/WhoCaresAboutTheWhiteWorkingClass-2009.pdf>

societal issues that face BME communities which must be considered when looking at participation and outcome in higher education.

There are complex issues of racial inequality in higher education that need to be navigated, and we recognise that the continued existence of racial inequalities in higher education limits both minority ethnic individuals and the sector as a whole in fulfilling its full potential. This is why ECU has developed the Race Equality Charter¹³, which aims to inspire a strategic approach to making cultural and systemic changes that will make a real difference to minority ethnic staff and students.

Our race charter can be a key tool to support the ambition of improving access and success of BME students, but we consider that much more work needs to be done in order to truly get better outcomes for BME students.

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.

In principle, we consider that targets can be a useful tool to progress equality, however these will need to be considered in relation to other external factors such as changes to the economy (which may for example lead some groups to participate at a greater rate in employment rather than in higher education) and other changes, such as to disabled students' allowance. Additionally, there must be clarity on the roles and powers of the Office for Students and the Director for Access, and consistency in approach.

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

As noted in our response to question 1b, it is important that the Government consider the full range of protected characteristics under the Equality Act 2010. It is also important that this is considered independently from low income groups, and that efforts to boost social mobility for low income groups in not conflated with (or as a proxy for) protected groups because this can often mask differences between different protected groups. For example, there is nationally established understanding of the use of student bursaries to increase participation from low-income groups. This is inconsistent with the use of bursaries on the basis of a protected characteristic as a form of positive action (as permissible by the Equality Act 2010). While we have provided guidance¹⁴ to the sector, it is a complex area and we would welcome further guidance from the Government on the use of bursaries and scholarships to increase the participation and success of protected groups.

¹³ <http://www.ecu.ac.uk/equality-charters/race-equality-charter/>

¹⁴ <http://www.ecu.ac.uk/publications/equality-act-2010-positive-action-through-bursaries-scholarships-and-prizes/>

Question 13:

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

Cross-agency information sharing leads to better understanding and research which underpins public policy development. In particular, we would welcome full national (anonymised) data on applications, offers and admissions, broken down by different protected groups to understand patterns of disadvantage, and allow for appropriate benchmarks to be set, especially if there are to be targets set by the Office for Students (as noted in paragraph 20, pp38). This will also facilitate greater accountability and transparency. It is also important that the various agencies with data work closely with each other to ensure that data-sets are consistent so that they can be compared and allow for proper read-across. Having clarity of what data should be made public in any future higher education legislation will be useful.

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

No comment

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.

No specific comments.

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.

No specific comments.

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

No specific comments.

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

Yes No Not sure

Please give reasons for your answer.

No specific comments.

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?

Yes 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.

As noted in our response to question 1b, for some protected groups, moving to a new provider can be an issue due to the need to study close to home. There needs to be specific attention on supporting such groups affected by a provider exit.

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.

In principle, we agree that the regulatory system for higher education needs to be updated and that the interest of the student is central to higher education. At the same time, any new system must balance that interest with knowledge creation and transfer, and the role that universities play in promoting research, scholarship and innovation.

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?

Our opinion is that the OfS should be able to contract out functions where it requires external expertise or when there will be significant cost-saving or economies of scale by doing so. ECU has supported HEFCE (and the other higher education funding bodies in the rest of the UK) to deliver work and strategic leadership on supporting the success of students from disadvantaged groups. We believe that we can continue to do so in the new regulatory environment, providing specialist knowledge in an area that we have a strong track-record of.

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

No specific comments.

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

Yes 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.

No specific comment.

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

No specific comment.

Question 21:

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

Yes No Not sure

Please give reasons for your answer.

We welcome the proposal that the OfS should report annually on widening participation and access and retention of students from disadvantaged backgrounds, although we consider that this should also extend to outcome of such students (eg. types of degree awarded and destination of leavers).

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

Yes No Not sure

Please give reasons for your answer.

No specific comment.

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 specific comment

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

No specific 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.

One of the responsibilities of public bodies is to comply with the public sector equality duty of the Equality Act 2010. This has been a useful duty on publically-funded HEIs to ensure that equality is properly considered in their decision-making. Our view is that the provision of education is a public good. Therefore, rather than deregulate in this case, in order to level the playing field, the public sector equality duty should be extended to new and alternative providers by virtue of the fact that students will be in receipt of public monies (via the SLC) and passing that on to institutions. This approach will also help the Government meet its ambitions as set out in Part A Chapter 4.

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?

No specific comment

Question 25:

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

No specific comment

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

No specific comment

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?

We consider one of the most successful parts of REF 2014 was the stronger focus on equality and diversity and better guidance in this area. For example, the measures taken to strengthen equality and diversity in REF 2014 has led to an increase in the number of eligible women being submitted as compared to the previous RAE. However, there continues to be disparities in submission rates by different protected groups¹⁵, and we believe that this can be improved by maintaining the focus on equality and diversity.

In addition to maintaining the focus on equality and diversity, we recommend that any move to using metrics must fully address the concerns raised about how this impacts on equality and diversity (as noted in 'The Metric Tide').

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

While we agree with the principle of reducing burden where appropriate and possible, it is our view that measures to promote equality and diversity should **not**

¹⁵ <http://www.hefce.ac.uk/pubs/year/2015/201517/>

be termed as burdensome. The green paper has set out ambitions to increase the participation and success of students from different under-represented and disadvantaged groups. Alongside the recognition that HEIs provide education for students, it must be recognised that they are also employers and places of research and knowledge exchange. We consider that the lower rate of submission to the REF of some BME groups is a result of long-standing and compounded disadvantage due to ethnicity (as noted in our response to question 12), and only serves to reinforce our view that the higher education system must be looked at as a whole (not solely focussing on students) and within a wider societal context.

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

No specific comment.

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.

Thank you for your views on this consultation.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes No

BIS/15/623/RF