

High Education and Research Bill: LCM Evidence Submission

Introduction

NUS Scotland welcomes this opportunity to provide evidence to the committee on the LCM for the Higher Education and Research Bill (the Bill). The Bill represents some of the biggest changes to the way higher education is conducted in, primarily, England; however, Scotland will not be from immune to many of its effects.

In terms of the specific clauses of the LCM, we are content with the proposed changes to the research landscape, pending further amendments. It's absolutely vital, for this Bill and its provisions to succeed, that Scotland is fully included as an equal partner. That's particularly the case when it comes to research funding and structures, not least as the sector attempts respond in a strong and unified way in the face of the threats and uncertainty, posed by Brexit, to our strong research base.

As such, we were happy to provide joint support, along with Universities Scotland and UCU Scotland, for amendments laid by Carol Monaghan and Roger Mullin at Committee Stage, which would ensure the Bills reflects the voices of the devolved nations. **We were extremely disappointed that the Bill committee chose to reject these amendments, and would hope to see similar, and successful, amendments brought back at Report Stage.**

Within this evidence submission, we focus on the negative effects of the Bill – as it stands – that could be felt across the UK; how it could be further strengthened to ensure student representation is enshrined in the Bill; and, where we believe there are potentially negative effects that will be felt in Scotland, and how these can be mitigated.

The UK context

At a national level, NUS has cautiously welcomed some of the steps introduced in the Bill: the creation of Access and Participation Plans; the requirement to have Student Protection Plans; the establishment of a Sharia-compliant alternative student loan; and, the ambition for a 'transparency revolution'. However, there is much in the Bill that NUS-UK, and students across the UK, believe will be detrimental to the UK's higher education system and the wellbeing and security of students within it.

NUS-UK has, however, expressed its significant concerns that this is the wrong time to be pursuing such wholesale higher education reform, given the ramifications that the EU referendum result will have for the stability of the higher education sector and in the wake of substantial changes following the transfer of responsibility for higher education from the Department for Business, Innovation and Skills to the Department for Education. At the very least, if we do not see a pause to the Bill while the sector responds to those challenges, the Bill must be amended and strengthened to ensure the student voice is genuinely at the heart of reforms.

The Scottish context

While NUS Scotland welcomes the premise of ensuring learning and teaching for students is enhanced, and that institutions are required to continually improve this, we believe the existing Scottish approach – which places student partnership at the centre of its purpose – is the way to achieve this. Excellence shouldn't be tied to value for money, but should rather be seen as a way of enhancing learning, based on the understanding that this is a public good in itself.

We believe that the introduction of a consumerist-based TEF model in England could present risks to the current Scottish higher education sector values of student partnership and enhancement-led activity, given how closely the two sectors are linked. As it stands, a main concern of the proposed reforms narrow focus is that it is trying to measure what excellent teaching looks like through a very consumerist model of higher education, based on restrictive metrics; something Scotland has rightly rejected.

The diversity of our higher education sector is undoubtedly a strength, bringing together old and new alike, both of which have particular strengths across the range of provision and the way they teach it. We should never seek to apply one of set of standards in teaching and learning, on the basis of the way any one institution does it, to such diversity. This would lead to a decrease in new teaching ideas and methodologies, as innovation risks being stifled if universities have to prescribed to a particular idea of teaching excellence.

The Scottish higher education sector already demonstrates how a culture of good teaching can be created through the more qualitative Quality Enhancement Framework, and a culture of collaboration rather than market competition, of student partnership rather than student consumerism. NUS Scotland values the commitment of student partnership in our higher education sector, and we believe that this is something that other higher education sectors should be striving for.

Ultimately, we have accepted that Scottish Ministers have provided consent for Scottish universities to participate in TEF and Scottish universities wish to participate. However, participation in TEF should not allow any diminution from existing quality arrangements and processes in Scotland.

TEF is a voluntary, optional extra (in Scotland), and there should be no attempts to present that voluntary participation, by Scottish institutions, as a 'double burden', of it and current processes in Scotland, as it is one that Scottish universities have willingly signed themselves up to. As part of their consent for Scottish universities to participate in TEF, we welcome assurances from Scottish Ministers on this point, and that existing arrangements must also be maintained and that Scottish universities who wish to participate in TEF do so in the full knowledge that there will be no diminution of Scottish quality arrangements.

The Office for Students and representation of students

As noted in the LCM memorandum, one of the main provisions of the Bill will be to "*Provide for the Office for Students (OfS) to rate one, some or all Scottish Higher Education Institutions under the Teaching Excellence Framework...*"

Given the powers and reach of the proposed OfS – and, at an even more basic level, its very name – NUS-UK and NUS Scotland believe that it is a serious failure that there is no guaranteed representation for students on the OfS board. Without this as a bare minimum, the government's claim that its higher education reforms will put students at the heart of the education system will be exposed as nothing more than empty words. NUS passionately believes that students are best placed to determine their own interests and have the right to be involved in decisions about them and that affect them.

More than this, however, and in keeping with our consent on the research provisions of the Bill, provided it allows for a guaranteed voice for the devolved nations, **we believe that given the reach and scope of the OfS, there should be a board representative for each nation.**

As things stand, OfS will have powers to rate the quality of Scottish teaching, making judgements on the full range of Scottish education, yet with no guaranteed representation for those institutions or students. That means Scottish institutions and students will be subject to its judgements yet with no say in its operation or discussions.

More than anything, student representation is well enshrined in Scottish education, and that should not be diminished at a national level. For example, the Post-16 Education Act and the Higher Education Governance Act both provide for guaranteed student representation at the highest levels of decision making in both colleges and universities. We do not believe the Scottish Parliament should allow for that to be undermined on a cross-UK body that will have such significant powers.

In addition, there are a number of other areas where the Bill should still be amended, to further strengthen the student voice:

- **Ensuring student representation on the Quality Assessment Committee:**

This would ensure that there would be student representation on the committee that is established by the Office for Students to assess the quality and standards of higher education. The QAC will be mandated by the OfS to assess an institution's teaching quality which students are uniquely positioned to express opinions on – and deserve to have their views heard.

In the same vein as above, we believe that the Bill should not miss any opportunity to enshrine students in the structures and bodies that are being created to make decisions that affect them. And that, again, is particularly true for Scottish students, who will have an OfS and QAC making decisions and judgement on the quality of their teaching, but with no say in how those decisions are made.

- **Guaranteeing student representation in assessment of quality:**

The Bill enables the Office for Students to recommend a body to the Secretary of State to undertake assessments of quality in higher education. We are supportive of amendments proposed by NUS-UK that would ensure that the designated body would only be deemed appropriate if they represent a broad range of students and if they command the confidence of students. Without such an amendment, the body will only need to represent and consider higher education providers, removing the voice of students from the process of recognising quality education. We believe that it is unacceptable to omit students from structures and bodies being established to make decisions about them and their education.

It has been standard practice for many years to ensure that students are represented in the oversight of quality assessment. The UK, and Scotland in particular, has been a global leader in championing the importance of this, and NUS feels it would be detrimental to both the quality assessment process and the reputation of UK higher education not to provide for student representation in this way.

The link between teaching and fees

One area far too often overlooked in Scotland is that, while we have maintained an entirely correct policy of free tuition for Scottish domiciled students, that does not mean that Scotland is tuition free – since the introduction of £9,000 fees in England, students from the rest of the UK (RUK) in Scotland have also faced fees at the highest level charged elsewhere. With the recent allowance for increased fees in England, this means that from 2017/18 Scottish universities will be able to charge (and are announcing they will charge) fees of up to £9,250. This is actually made worse for RUK students in Scotland, as they fall through the gaps in the system.

While RUK students are liable for fees in Scotland that they would see elsewhere, they do not receive any of the attendant protections of safeguards. For example, the Bill will require English institutions charging the higher amount of fees to prepare an 'access and participation plan', and also to adhere to new transparency duties. These provisions will apply as much for English students going to an English university as it will to Scottish students going to an English university.

However, in Scotland, there is no similar (and indeed any) requirement for Scottish universities to undertake any access work for RUK students, or a requirement of transparency, for example on fee income and any additional support for RUK students as a result of this. This means that RUK students face the highest levels of fees anywhere in the UK (as a result of the four year degree structure) but with absolutely no protections, safeguards or guarantees. We believe that is wholly wrong.

If TEF, and a link between teaching and fees, is to be used as a mechanism to raise RUK fees in Scotland – which we oppose, but is already being done – then the same safeguards and protections must apply for RUK students in Scotland as they would anywhere else in the UK.

The debate about how to ensure quality teaching is one of the most important for students. It is encouraging that teaching excellence has, at least in words, been made a priority through this Bill. However, the Bill also enables institutions that achieve a 'high level rating' under this framework to increase fees. Ultimately, NUS opposes any further increase in fees. We are astounded by the suggestion that, to ensure quality teaching, fees must rise even further when fees were trebled only four years ago with the same promise that it would improve quality.

NUS also firmly opposes any statutory link between teaching quality and the level of fees being charged for that teaching. It is clear that there is no direct relationship between quality and fees, and this Bill should not attempt to create one. Since tuition fees were trebled in 2012 there is no evidence to suggest that there was a consequential improvement in teaching quality. There has been no change in student satisfaction with the teaching on their course, while institutions have instead been shown to spend additional income from fees on increased marketing materials. It is wrong to suggest that higher fees are either indicators of higher quality, or that drivers of higher quality.

And again, it would be wrong to think that either Scotland is immune from this, or the effects will not be felt even more acutely. At present, Scottish universities are simply permitted to charge RUK students the highest amount that is chargeable elsewhere in the UK. But there is no link to teaching quality or access to this, as discussed above. Through the ability to charge higher fees as a result of UK Government policy, they see many of the benefits but with little of the responsibility.

Given the long-term suggestion for TEF, enabled through this Bill, has been to allow higher fees to be charged by higher rated universities, this means that fee levels could continue to increase in England and Scottish universities will be able to charge these – even if there is no attendant increase in quality, access or participation, for RUK students or any others. **Fundamentally, we do not believe Scottish universities should be able to benefit in such a way off the back of TEF and RUK students without showing any additional increase in quality or standards.**

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