



Universities Scotland response to UK Government consultation on Office for Students regulatory framework

Universities Scotland welcomes the opportunity to respond to the UK Government consultation on a new regulatory framework under the Office for Students (OfS) titled *Securing student success: risk-based regulation for teaching excellence, social mobility and informed choice in higher education*.

Whilst the consultation is focused on regulatory arrangements in England, it is vital that there is consideration of the impact of the proposals across all four UK nations.

Our response focuses on specific issues with UK-wide implications that are therefore relevant to Scotland's 19 higher education institutions. We address consultation questions 1, 3, 4, 9, 11, 12, 13, 21 and 23 in particular.

1. Do you agree or disagree that these are the right risks for the OfS to prioritise?

Slightly disagree.

We are concerned that there is no consideration of risks to the reputation of UK HE. Currently, UK HE enjoys a strong (and well-deserved) positive reputation for provision delivered in the UK as well as transnational education (TNE). However, this does need to be actively managed. In particular, quality assurance of provision (both those delivered in the UK and TNE) is important and something that authorities in other countries expect to be delivered by the institution's own country. Connections to international standards such as the European Standards and Guidelines (ESG) on quality are also important for these reasons. Finally, it is important that any new arrangements for granting degree awarding powers and university title are robust and set an appropriately high barrier to ensure that these do not jeopardise the reputation of UK HE.

The reputation of HE in the UK does tend to be seen homogeneously by international audiences, rather than separately for each of the four nations, and therefore Scottish institutions have a strong interest in this.

3. Do you agree or disagree that a new Quality Review system should focus on securing outcomes for students to an expected standard, rather than focusing on how outcomes are achieved?

Neutral.

We think it is unfortunate that the consultation states that the new Quality Code may not be used in England if it is not deemed to be suitable (we note that suitability is not defined), particularly when one of the major drivers for some of the proposed changes and the pace of the review appears to be the changing regulatory requirements in England. The Quality Code has always been UK-wide and we believe strongly that it should continue to be.

It is important to consider securing outcomes. However, key to the value of any HE system is continuous improvement and evidencing that improvement through identifying and sharing good practice across the sector. Quality enhancement is something that institutions UK-wide are interested in and therefore it is important that OfS is also interested – sharing knowledge of success and ensuring institutions continue to be motivated to improve continuously.

4. Would exploring alternative methods of assessment, including Grade Point Average (GPA), be something that the OfS should consider, alongside the work the sector is undertaking itself to agree sector-recognised standards?

No.

GPA in itself is not an alternative method of assessment. In any case, we believe that any work on GPA would best be led by the sector, and perhaps completed alongside the work on sector-recognised standards. This would be helpful in the UK-wide context because any move to adopt GPA widely in the English sector would inevitably lead to a need to examine this issue in the other UK nations. If the work is sector-led, representatives from Scotland (some of whom are already using GPA), Wales and Northern Ireland can more readily be involved from the start.

It is right that the sector works to ensure that its standards are robust and maintain value. If alternative methods of assessment are to be explored, this should be done by universities as autonomous institutions and should not be the role of the regulator.

9. Do you agree or disagree that participation in the TEF should be a general condition for providers in the Approved categories with 500 or more students?

Slightly disagree.

We think that it would be better to wait for the independent review of TEF to make this decision, particularly given that TEF is still new and evolving, with extensive redevelopment planned over the next few years to become subject-based.

11. Do you agree or disagree with the proposed approach to sector level regulation in chapter 2?

Slightly disagree.

It is important that the regulation is sufficient to protect the reputation of UK HE. This includes appropriate regulation of transnational education (TNE) activity, which host countries expect to be undertaken by authorities in the institution's base country, and appropriately robust arrangements for granting degree awarding powers. The reputation of HE in the UK does tend to be seen homogenously by international audiences, rather than separately for each of the four nations and therefore Scottish institutions have a strong interest in this.

The quality assurance of TNE is undertaken by QAA on a UK-wide basis, to maintain the international reputation of UK HE. It is, therefore, appropriate that the UK-wide sector should continue collectively to own and oversee the quality assurance of TNE in future.

With regard to a risk-based approach and removing barriers for new entrants to the market, it follows that extra rigour may be needed to oversee those new entrants to ensure we protect the student learning experience and the reputation of UK HE.

12. If you are a provider, can you provide an indication of which category you would apply for (under these proposals) and why?

The categories 'franchise' and 'validated' as currently proposed are somewhat reductive and do not fully represent all embedded college models, particularly partnerships between universities and partner institutions focused on collaboration and articulation.

We encourage the OfS to expand the models for collaborative provision listed in the consultation to include a 'collaborative venture' model. This would reflect the current guidance from the Home Office and ensure that universities would not have to change what is a successful model with partner institutions.

13. The initial conditions should provide reassurance that providers will meet the general ongoing conditions without creating unnecessary barriers to entry. Given this, are the initial conditions appropriate?

Slightly disagree.

It is important that the initial conditions are sufficiently taxing to ensure that the reputation of UK HE is protected. This does not mean that there should be no new entrants, but new entrants must not threaten the international reputation of UK HE. The reputation of HE in the UK does tend to be seen homogeneously by international audiences, rather than separately for each of the four nations, and therefore Scottish institutions have a strong interest in this. The desire to promote competition through innovation does introduce greater risk to students, and the potential cost of the failure of any experiments to students and to UK HE is high.

It is important that conditions of registration (for quality and standards) map with the revised expectations of the Quality Code. This will ensure a clear, coherent UK-wide approach. It will also ensure that UK students studying in UK nations other than their home nation are not subject to different expectations.

21. Do you agree or disagree with the proposed approach the OfS will take to regulating providers not solely based in England?

Strongly agree.

It is important that English domiciled students who choose to study in Scotland, Wales or Northern Ireland continue to be able to access student support. We believe that, as suggested, it is appropriate for existing arrangements to continue, i.e. that England recognises the Scottish Government's regulation of Scottish institutions (funded by SFC).

23. Do you agree or disagree with the principles proposed for how the OfS will engage with other bodies?

Slightly disagree.

Elements of the quality system are common across the whole UK. We are concerned that the consultation does not address how OfS might work with funding bodies and other stakeholders across the devolved administrations on areas where there is a common interest and presently a shared system (for example, Unistats, the National Student Survey, and the UK HE performance indicators). It would be helpful for the OfS to elaborate further here on the working relationships it envisages with its counterparts in Scotland, Wales and Northern Ireland to promote coherence and collaboration across the UK.