

## **Russell Group Submission to the Quality Assessment Review Consultation**

### **Summary**

1. The UK is renowned globally for the quality of its higher education and, in particular, for its world-leading universities. Our universities produce excellent research on a grand scale and they compete on an international stage to attract the brightest minds from around the world to study, research and teach. They are committed to providing an outstanding student experience, where teaching is enhanced by world-class research and facilities.
2. It is vital that any new quality assessment (QA) system, or adaptation of the current system, supports this position and protects the UK higher education 'brand'. A new QA regime should eliminate unnecessary burdens and support a system that recognises and rewards high quality institutions.
3. There are some welcome proposals in the quality assessment review consultation paper, namely that a new higher education QA regime should:
  - Take a risk-based approach
  - Respect the autonomy of HE providers
  - Aim to minimise reporting burdens
  - Draw more effectively on other QA mechanisms, such as professional, statutory and regulatory bodies' (PSRBs) evaluations, and
  - Create a single gateway and register for all higher education providers.
4. However, we also have a number of concerns with the proposals as they stand:
  - The potential for duplication of effort between a new QA regime and the new Teaching Excellence Framework (TEF), which is being developed in parallel;
  - There is also the possibility that parallel systems could produce conflicting outcomes. The link between QA and TEF, including the aims of each and how they will operate, will need careful consideration;
  - They may destabilise well-established patterns of university governance and could ultimately lead to government becoming too involved in university operations;
  - They place too great a regulatory dependence on the external examiner system, including a false expectation that the external examiner system can support uniformity of student outcome standards, which it cannot;
  - The proposals would increase universities' annual data and information reporting to the Funding Councils, which also increases cost and regulatory burden on universities;
  - Ultimately, there is a risk the resulting system could be more expensive to universities, students and the government.

5. We would like to see these points addressed and we encourage the Quality Assessment Review Steering Group, advising the HE Funding Councils for England, Wales and Northern Ireland, to consider how the proposals can be modified. In particular we encourage the Steering Group to draw on the Russell Group's proposed risk-based and tiered model of QA as previously submitted to this review and published on the Russell Group website, *Paper on the future of quality assurance in UK higher education* (April 2015)<sup>1</sup>.

## 1. Assuring quality

- 1.1 The UK higher education system is renowned globally for its quality; indeed the UK ranks second only to the US in the number of world-class universities and global reputation of our leading universities remains strong. It is important not to lose sight of the fact that introducing a fees-based system of funding has already been a key driver to increasing the quality of teaching.
- 1.2 Universities already have their own systems and processes in place for assuring teaching quality – including with a wide-range of PSRBs, where appropriate – alongside the existing Quality Assessment (QA) system. The opportunity to comment further on proposals for how the QA regime may evolve is therefore welcome. Our universities will not flourish if they are over-regulated and it is important that resources should be focused where problems of quality are most likely to occur.
- 1.3 The current consultation<sup>2</sup> comes at a time when the Government is also seeking to develop a new Teaching Excellence Framework (TEF) which, at least in part, could cover some of the same ground as a QA system. We note that the current consultation is on the 'aims, focus and broad shape of a future quality assessment system, rather than to provide considerable operational detail'. How this system will mesh with the future TEF should therefore be a key concern.
- 1.4 We understand that the QAA and its existing quality assurance arrangements will continue in 2015-16 and that any new arrangements will operate from September 2017, with the potential for pilot activity to take place in England for 2016-17 if deemed useful or necessary. This is on a similar timescale for the development and implementation of the first iteration of the TEF, which may then allow for universities offering excellent teaching to be able to increase their fees in line with inflation from 2017-18.
- 1.5 The starting point for the current consultation was the welcome announcement in October 2014 that HEFCE would work with HEFCW and DELNI to seek views on the development of: '...innovative approaches to quality assurance that are risk-based, proportionate, affordable, and low burden'. The Russell Group made a submission to the January-March 2015 consultation and made a further development of this submission in April 2015.

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<sup>1</sup> Russell Group (2015) [www.russellgroup.ac.uk/policy/policy-documents/paper-on-the-future-of-quality-assurance-in-uk-higher-education/](http://www.russellgroup.ac.uk/policy/policy-documents/paper-on-the-future-of-quality-assurance-in-uk-higher-education/)

<sup>2</sup> HEFCE (2015) *Future approaches to quality assessment in England, Wales, and Northern Ireland* [http://www.hefce.ac.uk/media/HEFCE,2014/Content/Pubs/2015/201511/2015\\_11\\_.pdf](http://www.hefce.ac.uk/media/HEFCE,2014/Content/Pubs/2015/201511/2015_11_.pdf).

1.6 It is worth reiterating the key points from our submission to the first consultation as they still stand:

The UK is renowned globally for the quality of its higher education and, in particular, for its world-leading universities. Our universities produce excellent research on a grand scale. They compete on an international stage to attract the brightest minds from around the world to study, research and teach. They are committed to providing an outstanding student experience, where teaching is enhanced by world-class research and facilities.

It is vital that any new quality assurance (QA) system, or adaptation of the current system, supports this position and protects the UK higher education 'brand'. A new QA regime should eliminate unnecessary burdens and support a system that recognises and rewards high quality institutions.

QA must be risk-based and proportionate, focusing resources on new providers and areas of weakness while relieving the highest performing institutions of unnecessary regulatory burden. Any new QA system must have three core components:

1. It should be demonstrably risk-based to be effective
2. Standards should be consistent, but regulation should be proportionate
3. Any new HE providers should be subject to the most rigorous QA tests.

1.7 Universities with a strong track record of success, and which have been delivering high quality education for a long time, should be subject to considerably less inspection and bureaucracy than newer institutions. Regulatory resources should therefore be focused where problems of quality are most likely to occur. This will also provide for the most efficient use of public funds.

## 2. Positive elements of the current proposal

2.1 The current consultation proposal from the Quality Assessment Review Steering Group (which may apply to England, Wales and/or Northern Ireland) has a number of positive aspects. For example, it reflects many of our points on transparency, being risk-based and proportionate; recognising and respecting the autonomy of providers; minimising burdens; and relying much more on other quality assurance mechanisms such as PSRB evaluations etc. There is also support for institutions taking innovative approaches, which is positive:

... [higher education providers] should be free to determine for themselves what a good and improving student academic experience should look like in the context of their own mission and student body...

2.2 The proposal suggests the new system would represent a significantly reduced requirement for the cyclical quality review of baseline compliance by an external agency, which is also very welcome.

2.3 In addition, we support the proposal's suggestion of a single gateway for all new higher education providers and single register of all approved higher education providers for each home nation. This is an improvement over the current situation in which higher education providers engage with different part of the regulatory

environment without a clear indication of their quality of provision. It may also help to reduce the costs of regulation for universities, which is an outcome we strongly support.

### 3. Concerns with the proposal

- 3.1 There are, however, a few outstanding concerns with the proposal that need to be addressed, as set out below:

#### *University governing bodies*

- 3.2 The proposed approach will put **greater emphasis on the QA role to be played by universities' own governing bodies**. There is a danger this could create an overly bureaucratic, more expensive gold-plated system that is risk-averse and constrains institutions.
- 3.3 Universities seeking private external QA review to ensure compliance and reduce institutional exposure under the proposed model will lead to **increased regulatory cost for universities**. There is evidence of such behaviour in universities' response to Home Office Tier 4 visa regulation<sup>3</sup>, for example.
- 3.4 Furthermore, the increased regulatory demand on governing bodies has the potential to **destabilise well-established patterns of governance**. Many universities have a statutory requirement to have a lay majority in their Board membership. Given limits on the number of Board members, building the required expertise for academic quality judgement on the Board (currently present in university Academic Boards and Senates) will result in a diminished capacity for university Boards in other areas such as investment oversight, financial planning and corporate accountability, as well as carrying risks of inconsistency.

#### *The external examiner system as a regulatory tool*

- 3.5 The proposal suggests an increased dependence on a '*strengthened*' external examiner system to ensure comparability in student outcome standards across higher education providers. The proposal suggests that building more rigour into the training and selection of external examiners should be 'owned' by the university sector (specifically UUK and GuildHE).
- 3.6 While we support improvements to the external examiner system, we are concerned the proposal does not accurately capture the nature of the external examiner system and the role external examiners play in assuring educational standards.
- 3.7 While this proposal may work for some UK-based external examiners, it would be **very difficult for Russell Group universities which use a significant proportion of international examiners in some subjects**.
- 3.8 Furthermore, there is common feeling across higher education providers that **increasing the bureaucracy around external examining will drive away the very academics best positioned to help universities improve**.

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<sup>3</sup> See HEBRG (2013) *Cost and benefit analysis project on immigration regulation*  
[http://www.universitiesuk.ac.uk/highereducation/Documents/2013/HEBRG\\_ImmigrationRegulation.pdf](http://www.universitiesuk.ac.uk/highereducation/Documents/2013/HEBRG_ImmigrationRegulation.pdf).

- 3.9 It would also likely become necessary to incentivise participation of external examiners financially, creating new cost pressures on higher education providers.
- 3.10 We question the assumption that “strengthening” the external examiner system will lead to consistent standards of student assessment across UK higher education. In addition, we question the feasibility of student academic outcome standards being the same across all UK higher education providers. There can be no assurance that every degree will be regarded as entirely comparable by employers, by providers of postgraduate education or by the public at large, regardless of awarding institution.
- 3.11 We caution against using the external examiner system as a regulatory tool for holding universities to account for quality. The external examiner system provides universities with critical formative feedback and there is a real risk of losing this.
- 3.12 External examiners are part of a suite of activities, largely qualitative but some quantitative, providing universities assurance of academic standards and helping improve educational provision. To elevate and isolate one component, such as the external examiner system, threatens to unbalance the integrated nature of academic standards assurance.
- 3.13 We note that the proposal depends on its external examiner recommendation as the single concept tying UK HE quality assurance together and we recognise there is a risk that removing this could lead to further fragmentation in approaches to quality assurance in the home nations. We agree that caution is needed here and hence we proposed a coherent framework for a tiered approach to QA in our previous submission. **We do not support the use of the external examiner system as a regulatory instrument by the Funding Councils.**

#### *Funding Council and QA*

- 3.14 With the proposed approach, we can foresee circumstances where some functions currently undertaken by the Quality Assurance Agency (QAA) may be brought in-house by the Funding Councils or government more directly (e.g. some aspects of QA reporting). This raises a number of concerns:
- The buffer that currently exists between universities and funders would disappear. A combined role of funder and quality assurer would then make independent review very difficult, resulting in potential conflicts of interest. For example, with an independent QA system the QA body could highlight where quality has been affected by funding cuts, but this is something that might be overlooked if funder and QA body are the same. The Higher Education Commission’s 2013 report on HE regulation<sup>4</sup> and Prof Simon Gaskell’s 2015 report on HE regulation for UUK<sup>5</sup> both recommended against combining QA and funding within one body/agency for this reason.
  - It removes the benefits of the current sector-ownership model of QA and could make appeal of QA decisions much more difficult.

- 3.15 Related to this, we would also be concerned with the suggestion that:

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<sup>4</sup> See <http://www.policyconnect.org.uk/hec/research/report-regulating-higher-education>

<sup>5</sup> See <http://www.universitiesuk.ac.uk/highereducation/Documents/2015/QualityEquitySustainability.pdf>

The funding bodies would expect **to verify a provider's approach** [to QA], and would vary the extent of oversight for those providers able to demonstrate a strong methodology and mature internal governance arrangements.<sup>6</sup>

- 3.16 This statement is worryingly vague and suggests the Funding Councils may intervene directly in university operations and academic decision-making and create new regulatory burdens. It implies a paradigm for QA against which a provider will be judged, but that paradigm is not revealed here. **Given the Steering Group's principle that autonomy of HE providers should be respected, a role for the Funding Councils in verifying a provider's approach to QA has real potential to undermine this principle.**
- 3.17 Moreover, the proposal that individual Funding Councils be the final arbiter of QA compliance could fail the Bologna test that external quality assurance agencies should be independent and not be open to influence by third parties such as government ministries. Failing this test could jeopardise existing multilateral international agreements on mutual recognition of HE QA.

*Need for probationary period and differential treatment of higher education providers*

- 3.18 The proposal agrees with the position of the Competition and Markets Authority (CMA) that there should be a **minimum quality standard against which all new higher education providers should be assessed** for entry to the UK higher education market.
- 3.19 However, we feel strongly that **entry to the higher education market should also be followed by a probationary period of ongoing quality assurance and rigorous regulatory oversight.** This is in the interest of the public, students and the reputation of UK HE.

*Teaching Excellence Framework*

- 3.20 The Conservative Party Manifesto pledged to:

...deliver the best possible value for money to students by introducing a framework to recognise universities offering the highest teaching quality.<sup>7</sup>

- 3.21 In a 1 July 2015 article for *The Times*, the Minister for Universities and Science, Jo Johnson, provided more detail about the scope and purpose of the manifesto commitment:

[The government is] committed to introduce a Teaching Excellence Framework to recognise universities that offer the best teaching and ensure that employers get graduates with the skills they need. I will be working with the sector, students and employers ahead of a consultation this autumn, so that we deliver a framework focused on meaningful outcomes rather than box-ticking bureaucracy.<sup>8</sup>

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<sup>6</sup> HEFCE (2015)

[http://www.hefce.ac.uk/media/HEFCE,2014/Content/Pubs/2015/201511/2015\\_11\\_.pdf](http://www.hefce.ac.uk/media/HEFCE,2014/Content/Pubs/2015/201511/2015_11_.pdf) p11.

<sup>7</sup> See <https://s3-eu-west-1.amazonaws.com/manifesto2015/ConservativeManifesto2015.pdf> p35.

<sup>8</sup> See <http://www.thetimes.co.uk/tto/opinion/columnists/article4484338.ece>.

- 3.22 On 8 July 2015, the Summer Budget announced that universities demonstrating high teaching quality will be permitted to increase their capped student fees in line with inflation:

The government will allow institutions offering high teaching quality to increase their tuition fees in line with inflation from 2017-18, and consult on the mechanisms to do this.<sup>9</sup>

- 3.23 Discussions are underway and a consultation on a first iteration of a Teaching Excellence Framework (TEF) is expected this autumn. It is clear that some measure of comparability between institutions will be necessary in TEF and that, at least for early iterations of TEF, assessments will need to focus at the institutional level. There is also an assumption that performance in the TEF will impact university eligibility for the fee uplift announced in the Budget, although a direct link between the two has not yet been confirmed.

- 3.24 However TEF is positioned, it has the potential to increase regulatory and reporting burden for universities. To help mitigate this risk, the **TEF should be coherent with the QA system** and not lead to an entirely separate process or separate set of reporting requirements for universities. Two independent systems relating to teaching quality and operating in parallel will lead to increased regulatory burden and cost and there is also a danger of perverse outcomes if a university can pass on the excellence measure, but is struggling on QA.

- 3.25 **The link between QA and TEF, including the aims of each and how they will operate, will need careful consideration.**

- 3.26 The QA proposal includes annual reporting to Funding Councils in exchange for increased autonomy over self-driven QA reviews. However, TEF could lead to even **greater reporting demands on universities in an environment without a single, coordinated approach** as suggested by the Russell Group proposal for “a unified but tiered system of QA”<sup>10</sup>.

#### *QA for other functions*

- 3.27 The current QA model, however imperfect, is used for purposes beyond the needs of the funding councils. This includes Home Office regulation of visa compliance. Home Office visa regulation includes a provision for “Educational Oversight” of all educational institutions sponsoring visas for non-EU students and staff. The Home Office depends on the outcomes of the current QAA review to determine those institutions eligible to sponsor international students. This arrangement is governed by a memorandum of understanding which sets out the roles and arrangements for Education Oversight on behalf of the Home Office.

- 3.28 In the absence of a unified QA system there is a risk of other authorities like the Home Office constructing new means of QA assessment or placing new reporting requirements on universities. Either scenario will contribute to regulatory burden for

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<sup>9</sup> See

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/443232/50325\\_Summer\\_Budget\\_15\\_Web\\_Accessible.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443232/50325_Summer_Budget_15_Web_Accessible.pdf) p98.

<sup>10</sup> Russell Group (2015) [www.russellgroup.ac.uk/policy/policy-documents/paper-on-the-future-of-quality-assurance-in-uk-higher-education/](http://www.russellgroup.ac.uk/policy/policy-documents/paper-on-the-future-of-quality-assurance-in-uk-higher-education/) p7.

universities and, possibly, confusion for international students. It is uncertain if the proposed QA system will provide sufficient assurance to the Home Office for the purposes of visa sponsorship.

- 3.29 **An appropriately tiered and proportionate QA system as recommended by the Russell Group proposal may help nullify the risk of new QA systems created by other regulators and authorities.**

#### **4. Conclusion**

4.1 While the proposal made by the Quality Assessment Review Steering Group contains useful elements, and we welcome the principle of a risk-based, lighter touch approach, we are concerned that it will have a number of negative consequences, including:

- Compromising existing university governance practice
- Increased cost to institutions to ensure regulatory compliance
- Jeopardising existing multilateral international agreements on mutual recognition of HE QA
- Compromising and negatively impacting on the external examiner process
- Increasing the data and reporting demands on universities
- Potentially contributing to the evolution of multiple QA systems, including TEF and Home Office Tier 4 visa oversight.

4.2 **We encourage the Steering Group to address the concerns we have raised in this paper and put the emphasis on a future system that is granular, risk based, relevant and proportionate.**

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