

Russell Group response to consultation on simplifying access to the market

1. Summary

- We welcome the intention to introduce greater competition, innovation, and student choice. However, appropriate safeguards must be put in place to protect students. This means maintaining a robust baseline of quality. Greater clarity is required about the criteria which providers must meet before being granted New Degree Awarding Powers (NDAPs) – as well as expectations of progress over the course of the probationary period. Without a clear threshold for access to NDAPs, it is difficult to see how decisions can be made consistently and confidence in the process maintained.
- A high degree of scrutiny is required for providers with NDAPs through the monitoring process, and early intervention by OfS should be enabled before a provider fails. Relying on reporting from the provider may not be sufficient; we would suggest observation visits should be mandatory and conducted on a regular basis. The role of the designated quality body (DQB) will be critically important in assessing initial applications and progress during the probationary period.
- We welcome the requirement set out in the consultation document for providers with NDAPs to make this clear in offers to students and in promotional materials. However, students are unlikely to understand the distinction between New (i.e. probationary) DAPs as opposed to full or indefinite DAPs and the differential associated risks. These must be spelled out in plain language emphasising the higher risk of providers with NDAPs exiting the market, and the knock-on consequences for students.
- Processes for awarding Research DAPs must ensure that the UK's reputation for research excellence is protected. A clear commitment should be made that if UKRI is not satisfied with a provider's ability to maintain a high-quality learning and research environment for research students, then RDAPs should be withheld. There are significant risks associated with opening up the market to award research degrees to those without a track record of doing so in the UK. For example, student protection plans are unlikely to be adequate to protect research students given the level of specialisation required to undertake a doctorate.
- It is important that the regulator operates in a transparent and accountable manner according to detailed published guidance on circumstances where DAPs and University Title (UT) can be varied and revoked. It is unclear how concerns regarding quality and standards would be judged to be "so serious" as to merit revocation. A sensible threshold would seem to be the requirement to meet the conditions of registration for quality and standards which will be assessed by the regulator on an ongoing basis.

2. Maintaining an appropriate threshold for Degree Awarding Powers

- 2.1 **Promoting greater student choice and diversity of provision through competition is welcome.** However, in opening up the market the regulator needs to ensure that students remain adequately protected and can be confident of receiving a high quality experience. Without adequate controls in place gaps in oversight may occur, storing up significant problems for the future. In some circumstances this could mean that students may receive a sub-standard experience, may not receive qualifications which hold their value over time, and may even be at risk of not being able to finish their studies.

- 2.2 UK higher education currently enjoys a strong reputation globally, and there may be wider knock-on consequences if assurance processes are not robust, including for students. Thresholds for access to degree awarding powers (DAPs) need to guard against these risks, particularly where providers do not have a prior track record.

Threshold for access to New DAPs (NDAPs)

- 2.3 We welcome the requirement for providers applying for NDAPs to demonstrate “public confidence, both present and future” in their systems for setting and maintaining academic standards and quality. However, there is a lack of clarity about the criteria which providers must meet before being granted NDAPs. **Without a clear threshold for access to NDAPs, the regulator will have a significant degree of discretion in making decisions with the potential for this to undermine consistency and confidence in the decision-making process.**
- 2.4 The consultation document sets out detailed criteria (in Annex A) which providers must meet over the course of the probationary period after they have been granted NDAPs, but expectations from day one need to be much clearer. The regulator should set out how expectations will rise as the probationary period progresses – anticipating a higher standard year-on-year before providers can be granted full DAPs. This is imperative in ensuring the bar to access NDAPs is sufficiently high that very few (if any) NDAPs providers would fail to receive full DAPs – and so avoid jeopardising students’ outcomes.
- 2.5 It may, for example, be helpful for the regulator to consider evidence of prior provision at a foundation level or other FHEQ recognised qualifications.

Monitoring processes

- 2.6 We welcome the arrangements set out in the consultation document including regular reporting and observation visits. However, the intention for the regulator to intervene if there are concerns appears to suggest action would be taken only towards the end of the probationary period if it is clear a provider will not be granted authorisation for full DAPs. **There must be robust mechanisms to pick up on and deal with potential problems earlier in the process. Relying on reporting from the provider may not be sufficient; we would suggest observation visits should be mandatory and conducted on a regular basis.**
- 2.7 The role of the designated quality body (DQB) will be critically important in assessing initial applications and ongoing progress. It is unclear whether this will involve a visit to the provider for the purposes of verifying the update reports. Further clarity would also be helpful in defining how the regulator will use the advice of the DQB in its decision-making.

Information for students

- 2.8 The white paper ‘Success as a Knowledge Economy’¹, outlined how the availability of information, particularly on price and quality, is critical if the higher education market is to perform properly. In order to make informed choices, **students need to be made aware of the status of the provider they are considering studying with, including its category of registration and status with regard to DAPs.**
- 2.9 We welcome the requirement set out in the consultation document for providers with NDAPs to make this clear in offers to students and in promotional materials. However, students are

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523546/bis-16-265-success-as-a-knowledge-economy-web.pdf

unlikely to understand the distinction between New (i.e. probationary) DAPs as opposed to full or indefinite DAPs and the differential associated risks. These must be clearly spelled out in plain language emphasising the higher risk of NDAPs providers exiting the market, and the knock-on consequences for students.

Research Degree Awarding Powers (RDAPs)

- 2.10 **Processes for awarding RDAPs must ensure that the UK's reputation for research excellence is protected.** We welcome the commitment in the Higher Education and Research Act 2017 that the advice given by the DQB to the OfS in respect of any matter relating to research awards must be informed by the views of UKRI. As above, greater clarity is required regarding the way in which advice from the DQB feeds into OfS decision-making. A clear commitment should be made that if UKRI is not satisfied with a provider's ability to maintain a high-quality learning and research environment for research students, then RDAPs should be withheld.
- 2.11 We note the proposal to re-examine the option of awarding RDAPs on a probationary basis. **There are significant risks associated with opening up the market to award research degrees.** In particular, student protection plans are unlikely to be adequate to protect research students if their provider does not attain full RDAPs. Given the level of specialisation involved in undertaking a doctorate, it is unlikely that a student would be able to finish their degree at another institution without very significant detrimental impacts on their research, if they are able to find another suitable institution at all.
- 2.12 In addition, a three-year probationary period would be too short given that many doctoral students will take longer to complete, particularly those studying on a part-time basis.
- 2.13 Should the Government proceed with this, any provider seeking New DAPs for research awards should be able to demonstrate evidence of the following in another jurisdiction:
- a mature and sustainable environment for fostering excellent research
 - a community of scholarship, with appropriate academic and pastoral support available
 - a vibrant learning environment providing wider support and peer-learning opportunities (and ideally with an opportunity for research students to engage in teaching or other enhancement programmes)

3. A robust process for revocation of Degree Awarding Powers and University Title

- 3.1 We welcome the safeguards introduced during the passage of the Act so that the OfS must take independent advice before varying or revoking DAPs or University Title (UT). Given the impact of such action, **it is important that the regulator operates in a transparent and accountable manner according to detailed published guidance on circumstances where DAPs and UT can be varied and revoked.**
- 3.2 Whilst conditions for revocation A and C (as set out in the consultation document) appear reasonable and necessary to protect students, greater clarity is needed regarding the circumstances in which condition B would be used. As currently drafted, it is unclear how concerns regarding quality and standards would be judged to be "so serious" as to merit revocation. It may be more sensible to base this condition on a requirement to meet the conditions of registration for quality and standards which will be assessed by the regulator on an ongoing basis.