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The Higher Education Better Regulation Group (HEBRG) is committed to raising the profile of better regulation for higher education, increasing understanding of its complex nature, benefits and risks, and enhancing communication between the sector and its regulators.

We work to make sure that regulations are relevant and make use of existing data and reporting systems.

This report highlights the achievements of our second year: policy development, research, and engagement with the higher education sector, government and a wider audience.

It also looks ahead to a milestone in HEBRG’s existence that will bring new opportunities. Over the next year we will operate under revised priorities and our programme of work will both contribute to the shape of the emerging regulatory framework and enable the sector to respond to reforms.

Sir Graeme Catto
Chair, Higher Education Better Regulation Group

Background

The Higher Education Better Regulation Group (HEBRG) was established in late 2009 by the sector representative bodies: Universities UK, GuildHE, Universities Scotland (US) and Higher Education Wales/Addysg Uwch Cymru (HEW). We succeeded the Higher Education Regulation Review Group (HERRG).

Our work builds on over 10 years of activity focused on: improving the efficiency of and b) economising the regulatory requirements placed on higher education. This previous work includes HERRG, the Better Regulation Review Group (BRRG), the Better Regulation Task Force (BRTF), and the Higher Education Funding Council for England (HEFCE)-sponsored higher education forum for better accountability.

Financial support for HEBRG came from the four higher education funding bodies, with an initial commitment for two years until the end of 2011. The Department for Business, Innovation and Skills (BIS) contributed start-up funds. Sir Graeme Catto has served as the chair of HEBRG since December 2009.

At their meeting in November 2011, HEBRG members agreed that the Group will play an increasingly important role in the changing UK higher education environment. Details of the Group’s forthcoming activities are provided in this report under the section ‘Funding and work programme 2012-14.’
Purpose
Under its founding terms of reference (Annexe 1), HEBRG’s primary purpose is to promote a positive approach to regulation. We are committed to raising the profile of better regulation of the higher education sector, increasing understanding of its benefits and improving communication among the sector, its regulators and supporters.

Unlike its predecessor groups, HEBRG is led by the higher education sector and its remit is UK-wide. Recognising the need to accommodate changing public perceptions of the regulation of business and the role of regulators, HEBRG is promoting a new approach to regulation. This approach builds on five principle statements:

1. Regulation should be transparent.
2. Regulation should be accountable.
3. Regulation should be proportionate.
4. Regulation should be consistent.
5. Regulation should be targeted only where action is needed.

As the new landscape for higher education funding and regulation emerged in 2010-11 (and will continue to take shape throughout 2012) HEBRG encourages a pro-active approach to regulation, maintaining confidence in the ability of the sector and its institutions to self-regulate.

We will review the HEBRG terms of reference in 2012 to ensure they are fit for purpose, reflecting the current and emerging landscape of regulatory partners, sector agencies, funding bodies and providers.

Membership
Our members are senior representatives from higher education institutions, regulators, funding bodies, sector agencies, representative bodies and government departments across the UK. Annexe 2 lists the 2011 membership and meeting dates of HEBRG, the executive group and the standing working group on immigration regulation.

This year, HEBRG welcomed two new members: an institutional representative on behalf of HEW and representation from the National Union of Students (NUS).

Governance
The chair reports to our supporters, the representative bodies and sector funders. HEBRG complements the work of our supporters and of HEBRG members’ organisations while fulfilling an independent and impartial role.

Staff
From January to September 2011, HEBRG had 2.0 full time equivalent (FTE) staff. This consisted of one policy adviser (0.6 FTE), one policy officer (1.0 FTE) and one executive assistant (0.4 FTE), employed by Universities UK and based at Woburn House, London.

HEBRG staff work closely with Universities UK and GuildHE. The HEBRG executive includes policy advisers from both representative bodies and is responsible for overseeing the work programme.

Achievements in 2011
Our work programme for HEBRG’s second year built on the four major achievements highlighted in the 2010 annual report:

- launching HEBRG and developing a network of members and stakeholders
- establishing the Group as a source of knowledge on the role of professional statutory and regulatory bodies (PSRBs) in the regulation of higher education
- initiating a project to address the accountability demands of the points based system (PBS) for immigration regulation
- redeveloping the HERRG Higher Education (HE) Concordat into a new instrument, the Principles for Better Regulation of Higher Education in the United Kingdom

As well as completing projects already in progress, HEBRG developed new areas of work. These projects reflected the rapidly changing policy contexts and emerging frameworks for higher education and regulation. They were designed to explore the regulatory impact of a market-led sector and the entry of new providers in the sector.
A number of major achievements are outlined in this report.

Developing and promoting HEBRG expertise in professional, statutory and regulatory bodies (PSRBs) and their engagement with higher education

HEBRG published the final report of its PSRBs project in March 2011. We also carried out further work, in collaboration with the Higher Education Statistics Agency (HESA), the Quality Assurance Agency for Higher Education (QAA) and the UK Inter-Professional Group (UKIPG) on the 2010 survey of external and statutory returns and supporting the QAA/UKIPG PSRB Forum.

HEBRG continued to liaise with the Quality in Higher Education Group (QHEG) and undertook a new collaborative role with sector agencies to develop, oversee and review the professional accreditation section of the Key Information Set (KIS).

Reporting on the impact of complying with the PBS for immigration on UK higher education institutions

We asked SUMS Consulting to carry out a review identifying the operational issues higher education institutions have experienced in relation to recent developments and operational requirements for Tier 4 immigration.

The final report was submitted to the UK Border Agency (UKBA), Universities UK and GuildHE in August 2011. Further work will be carried out in collaboration with UKBA, sector representative bodies and the Joint Education Taskforce (JET).

Developing the Principles for Better Regulation of Higher Education in the United Kingdom

HEBRG developed the Principles (November 2011) following an extended period of targeted consultation with HEBRG members and the wider sector. The Principles is a living document that applies primarily to organisations that have a direct responsibility for regulating, or holding to account, any aspect of higher education provision offered by UK institutions.

Reviewing the non-higher education regulatory landscape and its impact on higher education institutions

In the White Paper, Higher Education: Students at the Heart of the System (June 2011), BIS tasked HEBRG with undertaking a review of seven generic areas of the regulatory landscape that are not specific to higher education but which affect higher education institutions.

HEBRG commissioned Capita Consulting to conduct the review and reported the findings to BIS in November 2011. This work raised HEBRG’s profile and will inform the government’s responses to the White Paper and the technical consultation on the regulatory framework, A New, Fit-for-Purpose Regulatory Framework for Higher Education (August 2011). It will also inform HEBRG’s work plan for 2012-14.

Expanding communications and strengthening links with the higher education sector and government

Working with Universities UK and GuildHE, HEBRG contributed to consultation responses to the White Paper, Higher Education: Students at the Heart of the System (June 2011), and the technical consultation.

We work with our members’ organisations, including the Association of Heads of University Administration (AHUA), Academic Registrars Council (ARC), HEFCE, HESA and QAA to initiate, develop and disseminate work in key areas: the regulation of higher education by PSRBs, immigration regulation and streamlining the data landscape for higher education.

Staff contributed to and attended several important external events and delivered the second annual HEBRG conference on the theme of deregulating higher education.
Our Work

This section details our five principal achievements in 2011.

During our second year, HEBRG ensured that the broad areas of work begun in 2010 remained relevant to the current policy context. We conducted and commissioned research and consultancy projects to provide an evidence base that informs and influences policy changes in the regulation of higher education.

The government made clear that it seeks to deregulate higher education in England, reduce regulatory burdens on higher education institutions and increase transparency. As outlined in the White Paper and the technical consultation, a new regulatory framework taking a risk-based approach will be applied to all higher education providers.

The White Paper includes a chapter on regulation, which introduces a new regulatory role for HEFCE to promote the interests of students, new controls based on access to student support, and an intention to streamline the Transparent Approach to Costing (TRAC) reporting requirements. As the government announces its responses to the White Paper and the technical consultation, expected to take place over 2012, HEBRG will monitor developments and adjust its priorities accordingly.

The Interim Regulatory Partnership Group (IRPG) was set up by HEFCE and the Student Loans Company (SLC) to advise on the transition to new systems for regulation and funding. At its first meeting in September 2011, IRPG agreed to engage with HEBRG to examine opportunities for deregulation across the sector.

Developing and promoting HEBRG expertise in PSRBs and their engagement with higher education

HEBRG continued work in 2010 to map the engagement of PSRBs with higher education and to promote its active interest in this complex area of regulation. To date, this work has produced five key outputs:

- the report, Professional, statutory and regulatory bodies: an exploration of their engagement with higher education, and an online database of more than 130 PSRBs engaging with higher education (March 2011)
- a two-stage contribution to and analysis of the sector-wide survey of university statutory and external returns, conducted in November 2010 and supported by HESA and AHUA
- a plain-English statement commissioned by QHEG and produced by HEBRG in March 2011 to explain the roles of PSRBs in higher education, generally and with particular reference to the quality assurance system
- ongoing participation in the QAA/UKIPG PSRB Forum
- Work with sector agencies to produce technical guidance and a statement on PSRBs and professional accreditation for the KIS

Professional, statutory and regulatory bodies: an exploration of their engagement with higher education reviews estimates of the impact on higher education institutions of engaging with PSRBs and previous initiatives that considered PSRBs within the larger framework of higher education regulation. It identifies the main areas of engagement, highlighting the importance of PSRBs within the context of the rapidly evolving regulatory framework. A better understanding of this complex area is useful as the sector looks to maximise efficiency and effectiveness under increased financial pressure and a new regulatory landscape.

The report indicates that there are significant challenges in mapping PSRB engagement, since the status and role of PSRBs varies. Their levels of engagement with higher education also vary considerably. While the issue of defining PSRBs remains complex, there have been successful initiatives to streamline regulatory requirements and reduce the cost to higher education institutions, including the HERRG HE Concordat on Quality Assurance and Data Collection and memoranda of understanding between PSRBs and QAA.
Professional, statutory and regulatory bodies: an exploration of their engagement with higher education also finds that, increasingly, institutions are taking a higher-level overview of PSRB engagement and are defining institutional procedures to align collaborations strategically with their individual mission statements and to increase overall efficiency. However, findings from the 2010 survey of university statutory and external returns conducted by AHUA suggest that further guidance could support institutions in achieving a comprehensive single view of external reporting requirements.

The database of PSRBs that accompanies the report includes information on self-reported activities, subject areas and geographical remit; we will review and monitor the database as part of HEBRG’s future work programme.

Professional, statutory and regulatory bodies: an exploration of their engagement with higher education makes five recommendations:

1. The higher education sector and PSRBs need to use more consistent language and terminology to define the status, roles and key activities of PSRBs. This consistency is important as the sector focuses on improving public information to enable students to make better-informed choices.

2. Umbrella bodies and inter-professional groups of professional bodies and regulators have established channels for discussing areas of mutual interest and sharing good practice. This expertise and work should be recognised and disseminated more widely.

3. HEBRG should collaborate with QAA, HESA, sector representatives, funding bodies and PSRBs to enhance engagement and maintain and update the HEBRG database as a working resource.

4. HEBRG and HESA should undertake further analysis of the data from the statutory and external returns survey, identifying areas where there could be closer alignment between PSRB data requirements and the services operated by HESA.

5. HEBRG should look to secure the commitment of PSRBs to the Principles for Better Regulation of Higher Education in the United Kingdom, with the aim of increasing regulatory efficiency both for higher education institutions and for PSRBs themselves.

HEBRG policy staff supported the work of the PSRB Forum, which was established by QAA and UKIPG in June 2008. The Forum is for representatives of PSRBs and stakeholders from the wider higher education sector to share ideas and experiences and discuss areas of mutual interest, with a view to disseminating good practice and achieving economy of effort. The Forum met in April, July, October and December 2011. Its agenda focused on the White Paper, approaches to risk-based regulation, and public information aspects of regulatory changes in higher education.

As part of HEBRG’s wider programme of engagement with PSRBs, Dr Janet Hanson, HEBRG Policy Adviser, delivered a presentation on developments in higher education regulation to the Engineering Council’s Engineering Accreditation Board on 14 April 2011. Dr Brooke Sperry, HEBRG Policy Officer, met with Professor Dorothy Whittington (former chair of the joint advisory board for the Health Sciences and Practice and Medicine, Dentistry and Veterinary Medicine Subject Centres) to share information about HEBRG’s work with PSRBs and Professor Whittington’s own work in this area. Professor Whittington is working on behalf of the Higher Education Academy to recommend best practice for developing partnerships with subject centres, PSRBs, subject associations and learned societies.

The White Paper tasked HESA, working with HEFCE, HEBRG and the Information Standards Board (ISB) for education and skills, to redesign the information landscape and create a new system that meets the needs of a wider group of users, reduces existing duplication and results in timelier, more relevant data. The IRPG HE Information Landscape Project is in the first stage of this work, and will consult stakeholders across the sector to produce a feasibility study on proposed changes by June 2012.

From September 2012, all institutions or private providers that subscribe to QAA will be required to produce a KIS for undergraduate courses planned for 2013-14. The KIS will include information about professional accreditation, showing any professional bodies that recognise an individual course.
As evidenced by HEBRG’s 2010 report, *Professional, statutory and regulatory bodies: an exploration of their engagement with higher education, identifying, defining and understanding the permutations of status and roles across the general field of PSRBs* is very complicated. In recognition of this, the Higher Education Public Information Steering Group (HEPISG) devolved powers to a panel to ensure uniformity of approach, and produce KIS technical guidance on PSRBs and professional accreditation of undergraduate programmes.

The panel is managed and convened by HESA and includes representatives from HEFCE, HEBRG and QAA. In September 2011, the panel drafted a statement about PSRBs and accreditation, and a list of accrediting bodies for use in the technical guidance. The list was adapted from the database of PSRBs identified by HEBRG as part of its research in summer 2010. Following feedback from institutions and PSRBs, revised technical guidance was released in December 2011.

The panel will continue to meet annually to consider additions to the list, communicate decisions and hear appeals from organisations not accepted for inclusion in the list. HESA is responsible for publishing KIS technical guidance, and will provide further updates to the guidance on professional accreditation and accrediting bodies in early 2012.

Reporting on the impact of complying with the PBS for immigration on UK higher education institutions

Recruitment of international students from outside the European Economic Area brings many benefits to UK higher education, and has become a business-critical component of many institutions’ strategies. However, the government has made clear its commitment to reducing net migration, which has increased significantly since the mid-1990s. Changes to the student route of admission into the UK are expected to contribute towards this reduction.

HEBRG established a working group on immigration regulation in 2010, with the specific remit of analysing the impact of the PBS for immigration on higher education institutions. Full membership of the working group is detailed in Annexe 2. The PBS was phased in over a period of 11 months beginning in March 2009. Given its complexity, the PBS has caused some disruption and consumed significant resources as the higher education sector keeps up with policy changes.

In 2011, SUMS Consulting carried out a review on behalf of HEBRG to identify the operational issues higher education institutions have experienced in relation to recent developments and operational requirements for Tier 4 applicants, the category for general students. The final report, *Review of the impact on UK higher education institutions of complying with the points based system for immigration (Tier 4)*, was presented to UKBA, Universities UK and GuildHE on 15 August 2011. It was also published on the HEBRG website.
The SUMS/HEBRG report found that, while the introduction of the Highly Trusted Sponsor (HTS) status did improve operation, the impact of further changes to HTS and the requirement for all Tier 4 licence holders to achieve HTS remained unclear. The report also identified outstanding issues related to operating difficulties, determining future enhancements, and ambiguous and inconsistent guidance on inspection visits. The report made 10 recommendations:

1. The new HTS regime should be based on exceptions identified through the sponsorship management system rather than annual re-application.
2. An escalation of sanctions should be introduced for non-compliance prior to suspension of HTS, and provide clear guidance on implementation.
3. The register of future enhancement requirements should be reinstated and monitored through JET or a sub-group established to consider IT systems issues.
4. The regulation(s) that restrict the advance bulk purchase of Confirmations of Acceptance for Studies (CAS) should be identified by higher education institutions. It should be proposed that these are reviewed within the Cabinet Office Red Tape Challenge.
5. A feasibility study should be undertaken to establish ways of streamlining guidance offered to higher education institutions and increasing the speed of UKBA's response to queries.
6. Consistent guidance for field visits and HTS rules should continue to be developed and evaluated with higher education institutions through ARC, Universities UK and GuildHE.
7. A series of events should be organised in collaboration with ARC, Universities UK and GuildHE to communicate the new HTS system and visit guidance across the sector.
8. HESA should collaborate with UKBA and the Universities and Colleges Information Systems Association (UCISA) to establish the feasibility of receiving data from the sponsorship management system for subsequent analysis on behalf of higher education institutions and incorporate this within the HESA feasibility study for the new information landscape.
9. UKBA and the sector should agree to an annual calendar for the timing of changes to Tier 4, wherever possible providing advance notice of unanticipated additional changes.
10. UKBA is invited to adopt the Principles for Better Regulation of Higher Education in the United Kingdom published by HEBRG.

Together, these recommendations should improve consistency and transparency and encourage increased collaboration between the UKBA and the sector, resulting in greater efficiency and effectiveness. They will enhance the overall experience of UK higher education for a significant part of the student population.

Responding to the chair, Universities UK thanked HEBRG for the review and identified a number of ways in which they are responding to the recommendations. Universities UK will continue to liaise closely with GuildHE, ARC and other relevant stakeholders to ensure that appropriate action is taken by UKBA, and keep HEBRG informed of progress.

UKBA's response to the recommendations was received and considered by HEBRG at the members meeting in November 2011. Members noted the willingness of UKBA to work with the sector and to act in step with the Principles. As HEBRG believes there is scope for more work to secure benefits for the sector and UKBA, the chair requested that JET take forward the recommendations. In January 2012, UKBA agreed that JET is the best forum to take forward the recommendations and will write to JET members to gather their views on the shape and priority level of this work.

HEBRG will maintain an interest in developments in immigration regulation and the work of JET throughout 2012-13. We aim to quantify the cost of Tier 4 compliance to the higher education sector as data become available.
Developing the Principles for Better Regulation of Higher Education in the United Kingdom

The Principles were developed by HEBRG through extensive consultation with members. They apply primarily to organisations that have a direct responsibility for regulating or holding to account any aspect of higher education provision offered by UK institutions. Sir Graeme Catto introduced the Principles at the HEBRG conference in November 2011; the full text is available on the HEBRG website. The Principles were received and noted by QHEG in December 2011.

HEBRG expects that regulators and funding bodies, government departments, sector-specific agencies, PSRBs and higher education providers within the scope of the proposed single regulatory framework will wish to commit wherever appropriate to the six principles.

1. Regulation should encourage and support efficiency and effectiveness in institutional management and governance.
2. Regulation should have a clear purpose that is justified in a transparent manner.
3. Regulation depends on reliable, transparent data that is collected and made available to stakeholders efficiently and in a timely manner.
4. Regulation assessing quality and standards should be co-ordinated, transparent and proportionate.
5. Regulation should ensure that the interests of students and taxpayers are safeguarded and promoted as higher education operates in a more competitive environment.
6. Alternatives to regulation should be considered where appropriate.

The Principles supersede the Higher Education Concordat on Quality Assurance Arrangements and Data Collection published in 2006 by HERRG. The Concordat aimed to develop greater coherence in the regulation of the sector and invited regulators of higher education to sign up and demonstrate their commitment to developing proportionate approaches to regulation, relying as far as possible on institutions’ own procedures.

The Principles reflect changing views on regulation, including the government's strategies for reducing red tape associated with business regulation. They also highlight the likelihood of a wider spread of risk to stakeholders in the new higher education environment and the potential for regulators to propose more robust regulation to mitigate those risks. The Principles will be reviewed regularly over 2012-14 to ensure they remain relevant to future developments in the regulation of higher education.

Reviewing the non-higher education regulatory landscape and its impact on higher education institutions

In the White Paper, BIS tasked HEBRG with reviewing seven areas of the regulatory landscape that are not specific to higher education but which impact on higher education institutions.

The review was asked to consider:
- corporation tax returns
- equality and diversity
- employment law
- Freedom of Information
- health and safety
- estates and infrastructure
- procurement

HEBRG commissioned Capita Consulting to conduct a research project during August – October 2011 to support the review. The project involved extensive desk research and targeted consultation with members, higher and further education sector representative and professional organisations and representatives from higher education institutions.

The report was submitted to BIS in November 2011 and published on the HEBRG website. Findings were disseminated by the lead consultant at the second annual HEBRG conference on 28 November 2011. In December 2011, BIS acknowledged receipt of the report and thanked HEBRG for producing this analysis, which will inform the development of the government's response to the White Paper and the technical consultation on the future regulatory framework.

The report provides information on how a wide range of requirements affect higher education institutions. The report makes 16 prioritised recommendations across six areas, identifying potential areas for deregulation while safeguarding students and taxpayers.
Consultees indicated five areas of concern that they believed might present opportunities for deregulation:

- completing corporation tax returns, despite rarely reporting a corporation tax liability
- complying with the Freedom of Information Act
- complying with EU procurement regulations
- being subject to aspects of employment legislation that affect post-1992 institutions and further education colleges
- being considered as public authorities and complying with additional public sector duties

In addition to these areas of concern, four main cross-cutting themes and issues arose from the review:

- how existing providers are defined, and how this may change within the shifting policy and funding context
- the move to a more marketised environment and the ambition to provide a ‘level playing field’ for all higher education providers raises questions as to why legislation and regulation should apply differently
- variations in the regulatory landscape, policy context and legislative framework across the home nations necessitate careful consideration of the wider impact of changes to the non-higher education regulatory environment in England
- any major consideration of changing the regulatory landscape must focus on safeguarding students and their experience

The review made several high priority recommendations. These include that BIS:

1. renew the definition and categorisation of English higher education institutions in light of market changes;
2. provide definitive guidance on what proportion of graduate contribution (if any) will be classed as public funding; and
3. consider the potential impact of any non-higher education regulatory changes on English institutions in each of the home nations through active consultation.

Additional high-priority recommendations were made with regard to corporation tax returns, Freedom of Information, procurement, and employment legislation.

HEBRG welcomes the proposal to work across government departments to strengthen understanding of the impact of multiple regulatory requirements on higher education and looks forward to working with BIS, the Department of Health, the Department for Education and the Home Office to achieve this aim. There is also scope for HEBRG to work with HM Revenue and Customs and the Ministry of Justice to consider simplifying or clarifying information and data collection requirements relating to corporation tax returns and Freedom of Information legislation.

The White Paper also noted HEBRG’s work on mapping and defining PSRBs. As noted earlier, HEBRG will continue to work with HESA, HEFCE and the ISB to reduce and streamline the number of data requests to higher education institutions.

The report of the Universities UK Efficiency and Modernisation Task Group, led by Professor Ian Diamond, Efficiency and effectiveness in higher education (September 2011) maintained that efficiency should be supported through effective regulation. The report cited HEBRG’s review of the generic non-higher education landscape for BIS and recommended that HEBRG estimate the costs of regulation to the sector, suggesting an initial estimate be produced by spring 2012 followed by ongoing monitoring.
Expanding communications and strengthening links with the higher education sector and government

HEBRG’s response to the White Paper welcomed the government’s aims of removing excessive or unnecessary regulation and reducing the burden of the regulatory framework on higher education providers. We recommended that any changes to the framework be closely reviewed to ensure that they do not undermine confidence in the UK’s world-class higher education system, produce unintended consequences that increase regulatory burden and/or reduce the autonomy of institutions.

Although the White Paper only addresses England, HEBRG is aware that some changes will have an impact on the entire UK sector and should be subject to active consultation with the home nations. HEBRG also highlighted the importance of transparency to the single regulatory framework and the changing data collection landscape.

HEBRG staff participated in the Universities UK White Paper Task and Finish Group and contributed to the Universities UK submissions to both the White Paper and the technical consultation. HEBRG also provided advice to the UK Higher Education International Unit on better regulation of higher education to inform the Unit’s UK HE sector position on the future of the framework programme (January 2011).

HEBRG policy staff made several presentations and contributions to external conferences and meetings in 2011. In June, following publication of the Schools White Paper: the Importance of Teaching, the chair represented HEBRG in meetings organised by the Department of Education and the Office of Qualifications and Examinations Regulation (Ofqual) on the current and future processes for A-level development. The chair will contribute to further consultation in early 2012. The HEBRG policy adviser delivered a presentation on higher education regulation in the UK to delegates of the Guangxi Higher Education Presidents’ Programme at Somerville College, University of Oxford, in July 2011.

In September 2011, Sir Graeme Catto chaired a high-level meeting at the Department of Health to discuss the information and data required to support medical and health education in higher education. This meeting brought together colleagues from HESA, the Department of Health, NHS London, the Council of Deans of Health, Medical Education England, the Medical Schools Council and the Universities and Colleges Admissions Service (UCAS). The aim of the meeting was to enhance efficiency by reducing the burden of data collection and eliminating non-essential duplication. The meeting agreed that all stakeholders, including the Department of Health, Health Education England (to be restructured from Medical Education England), local partnerships, and nursing and medical deans in universities and statutory regulators, should agree a common data set and standardised way of working. HESA will take this work forward with the Department of Health.

The HEBRG website, www.hebetterregulation.ac.uk, was launched in June 2010 and is the main source of information about the group and its activities. It archives agendas, papers and minutes from members meetings, annual conference programmes and presentations, programmes delivered by HEBRG staff at external events, and summaries of past, current, and forthcoming work streams. It also features regular news updates on consultations, events and other announcements related to better regulation and the regulation of higher education in the UK. The website reflects HEBRG’s independent branding and its position as supported by, but distinct from, Universities UK and GuildHE.

In 2011, the HEBRG website received a 215 per cent increase in the number of hits, up to 2,832 visits (by 1,957 unique visitors) from the 2010 total of 897 visits (by 622 unique visitors). Fourteen per cent of visitors came from outside the UK. The number of page views increased by more than 100 per cent in 2011, from 4,595 to 10,732. Monthly figures for June 2011-December 2011 demonstrate an increase in the number of visitors for each month, as compared to the same period in 2010.

HEBRG produced five publications:

- Professional, statutory and regulatory bodies: an exploration of their engagement with higher education, HEBRG, March 2011
- Review of the impact on UK higher education institutions of complying with the points based system for immigration (Tier 4), HEBRG and SUMS Consulting, July 2011
- Review of the non-HE regulatory landscape and its impact on Higher Education Institutions, HEBRG and Capita Consulting, November 2011
- Principles for Better Regulation of Higher Education in the United Kingdom, HEBRG, December 2011
The second annual HEBRG conference, chaired by Sir Graeme Catto, identified changing risks and responsibilities associated with deregulating higher education, and discussed the impact of forthcoming changes to regulatory requirements for providers. Eighty participants attended, including senior representatives of the sector from across the UK. The programme reflected the higher education policy context at the end of 2011 and highlighted the achievements of the group in its second year. The speakers and discussion groups reflected a wide range of issues, and participants considered the implications of increasing competition in the higher education sector and increasing transparency of information, as well as the meaning and practicalities of ensuring a level regulatory playing field.

The morning keynote presentation by Sir Alan Langlands, Chief Executive, HEFCE, addressed the challenges of regulating higher education in a period of such significant change. He highlighted HEFCE's role in effecting a smooth transition to a new regulatory framework while protecting the international reputation of UK higher education.

The conference explored how a more transparent, less regulated system might bring new risks and responsibilities for regulators, providers, students and taxpayers. Participants concluded that reduced regulation may enhance institutional autonomy and provide opportunities for competition. They also concluded that reduced regulation also means increased responsibility to protect the interests and investment of students and the public. Speakers included: Helen Baird, Lead Consultant, Capita Consulting; Alex Bols, Assistant Director (Research) and Head of Higher Education, NUS; Professor John Craven, Vice-Chancellor, University of Plymouth; Mary Curnock Cook, Chief Executive, UCAS; and Nicola Dandridge, Chief Executive, Universities UK.

Delegate feedback on the conference was positive. The conference was an opportunity to reflect on the achievements of HEBRG during its first two years, to understand better the rapidly changing policy context at the end of 2011 and to identify priorities and areas of engagement for HEBRG.

**Funding and work programme 2012-14**

HEBRG’s initial two-years of funding ended 31 December 2011. At their November meeting, HEBRG members agreed that HEBRG has an increasingly important role in the changing environment for higher education in the UK and should continue to operate.

Given the uncertainties surrounding the future regulatory environment, and as the design of a new framework is still the subject of consultation, HEBRG will continue in its present form for an additional two years. The Group will be supported by HEFCE, Scottish Further and Higher Education Funding Council (SFC), Department for Employment and Learning Northern Ireland (DELNI), Universities UK and GuildHE.

Sir Graeme Catto stepped down as chair at the end of 2011. HEBRG is very grateful to Sir Graeme for his inspired leadership and commitment to HEBRG during two years of critical work. New staff, including one policy adviser and one policy researcher (2.0 FTE), and a new chair will be in place in early 2012.

Regulatory reform is one of the most significant issues facing the UK higher education sector. As the sector implements new funding arrangements, the environment in which universities operate is likely to be substantially different, characterised by more market-based features, coupled with increased deregulation.

As the environment for higher education changes, HEBRG will need to review the impact of new regulation. It will play a key role in ensuring that regulations are applied consistently to both new and existing providers. Changes to funding will also mean that the sector becomes more exposed to existing legislation and regulation of business operation, including competition law and fair trading rules.
HEBRG will carry out a part of Universities UK’s programme of work on regulation, while acknowledging HEBRG’s wider remit and range of stakeholders. HEBRG’s work will include, but not be limited to, the following:

- developing policy on issues arising from the development and implementation of a risk-based quality assurance system and new regulatory framework for higher education
- quantifying the costs of regulation to the higher education sector and follow up to the HEBRG/Capita review of the regulatory landscape
- working with HEFCE, HESA and QAA in relation to PSRBs, professional accreditation and the KIS
- mapping health-related regulation across the sector
- monitoring the impact of immigration regulation

**Terms of reference for HEBRG (as agreed on 24 June 2010)**

**Purpose**

The purpose of the Higher Education Better Regulation Group (HEBRG) is to promote a positive approach to regulation. It aims to build on the principles of good regulation that state that any regulation should be transparent, accountable, proportionate, consistent, and targeted only at cases where action is needed. It will encourage a pro-active approach to regulation that secures increased confidence in the sector’s ability for self-regulation yet minimises the impact of regulation that has the potential to unnecessarily increase costs, stifle innovation or diminish institutions’ capacity to provide quality services.

**Reporting and governance**

The chair will report to HEBRG’s supporters, the representative bodies (GuildHE, Higher Education Wales/Addysg Uwch Cymru, Universities Scotland and Universities UK) and funders (Department for Employment and Learning Northern Ireland, Higher Education Funding Council for England, Higher Education Funding Council for Wales/Cyngor Addysg Uwch Cymru and Scottish Funding Council), and to the wider higher education sector, through the annual reports of HEBRG.

HEBRG will establish working groups, as necessary, to undertake activity in relation to its priorities.

**Terms of reference**

1. Raise the profile of positive regulation, increase understanding of the benefits of intelligent regulation and improve communication and understanding between the sector, its regulators and sponsors.
2. Identify and record specific outcomes arising from developing proportionate and risk-based regulation in areas targeted by the group as a priority.
3. Manage, monitor and promote the Higher Education Concordat, extending its scope to include issues of relevance to all UK nations, to raise its profile within and external to the sector, and use it as a starting point for entering into dialogue with organisations about approaches to better regulation.
4. Challenge institutional claims of over-regulation and support the sector in sharing good practice on the positive benefits of better regulation.
5. Provide independent support to the work of the sponsors in this area.
6. Work in full partnership with members and encourage issues of concern to the sector arising from new and emerging regulation to be raised by members.
7. Act as a source of support to higher education to raise public confidence in its regulation by clearly articulating its effective accountability and governance to sponsors, regulators, students and the wider public.

8. Act as a source of support to regulators by explaining the interests and concerns of regulators to higher education.

9. Have responsibility for oversight of the governance and strategic direction of the work of HEBRG.

Membership

The membership of HEBRG is inclusive of higher education funding bodies, regulators and representative bodies from England, Scotland, Wales and Northern Ireland. The principal criteria for membership are strategic alignment with the Group’s priorities and a willingness to collaborate in pursuit of better regulation.

Members represent their various constituencies. Where items on the agenda are presented that may result in a conflict of interest for members, the item should be presented by a representative other than the HEBRG member.

While there is no set limit on the number of members, and additional members may be invited by the chair to join according to current priorities, the optimal size for productive working will be kept under review. The initial membership includes:

An independent chair

Representation from each of the representative bodies:
- GuildHE
- Higher Education Wales/Addysg Uwch Cymru
- Universities Scotland
- Universities UK

Representation from each of the funding bodies
- Department for Employment and Learning Northern Ireland
- Higher Education Funding Council for England
- Higher Education Funding Council for Wales/Cyngor Cyllido Addysg Uwch Cymru
- Scottish Funding Council

Representation from
- Academic Registrars Council
- Association of Heads of University Administration
- British Universities Finance Directors Group
- Committee of University Chairs
- Department for Business, Innovation & Skills
- Department of Health
- GuildHE - Nominee
- Higher Education Statistics Agency
- Ofsted
- Quality Assurance Agency
- Research Councils UK
- Training and Development Agency for Schools
- Universities and Colleges Admissions Service
- Universities UK – Nominee

Practicalities

HEBRG should meet at least three times per year, normally September/October, February/March and June/July, and may also operate by correspondence. Where members are unable to attend a meeting, they may nominate an alternate. HEBRG will operate transparently, including through published papers on its website.
HEBRG membership 2011

Sir Graeme Catto
Chair

Academic Registrars Council
Wendy Appleby, Academic Secretary, Queen Mary, University of London

Association of Heads of University Administration
Alison Wild, Pro Vice-Chancellor & University Secretary, Liverpool John Moores University

British Universities Finance Directors Group
Andrew McConnell, Director of Finance, University of Huddersfield

Committee of University Chairs
Maxine Penlington, Chief Operating Officer

Department for Business, Innovation and Skills
Gordon McKenzie, Deputy Director Higher, Education Shape and Structure

Department for Employment and Learning Northern Ireland
Fergus Devitt, Director of Higher Education Division

Department of Health
Debbie Mellor, Deputy Director, Workforce Education

GuildHE
Dr Claire Taylor, Dean of Students and Academic Engagement, Bishop Grosseteste University College

Higher Education Funding Council for England
Steve Egan, Deputy Chief Executive

Higher Education Funding Council for Wales/Cyngor Cyllido Addysg Uwch Cymru
Professor Philip Gummett, Chief Executive

Higher Education Statistics Agency
Alison Allden, Chief Executive

Higher Education Wales/Addysg Uwch Cymru
Pam Ackroyd, Pro Vice-Chancellor, Cardiff Metropolitan University

National Union of Students
Alex Bols
Assistant Director (Research) & Head of Higher Education

Ofsted
Angela Milner, National Adviser Initial Teacher Education (Primary) (from September 2011)

Patricia Pritchard, Principal Officer, Initial Teacher Education and Specialist Commissioned Inspections (to September 2011)

Quality Assurance Agency for Higher Education
Dr Jayne Mitchell, Director of Development and Enhancement

Scottish Further and Higher Education Funding Council
Brian Baverstock, Deputy Director

Training and Development Agency for Schools
Tom Glover, Director of Funding and Market Management (from May 2011)
Jeremy Coninx, Director of Funding and Market Management (to May 2011)

Universities and Colleges Admissions Service
Helen Thorne, Director of Policy and Research (from March 2011)
Richard Skerrett, Policy Executive (to March 2011)

Universities Scotland
Jan Hulme, University Secretary, Glasgow Caledonian University

Universities UK
( unfilled during 2011)

HEBRG executive 2011

GuildHE
Helen Bowles, Policy Adviser and Deputy Chief Executive

HEBRG
Sir Graeme Catto, Chair
Lynda Finn, Executive Assistant
Dr Janet Hanson, Policy Adviser
Dr Brooke Sperry, Policy Officer

Universities UK
Greg Wade, Policy Adviser
Meeting dates

HEBRG members
16 February 2011
15 June 2011
10 November 2011

HEBRG executive
26 January 2011
3 May 2011
18 October 2011

Working group on immigration regulation membership 2011
Wendy Appleby
Academic Secretary, Queen Mary, University of London representing Academic Registrars Council

Jo Attwooll
Policy Adviser, Universities UK

Helen Bowles
Policy Adviser and Deputy Chief Executive, GuildHE

Dr Janet Hanson
Policy Adviser, HEBRG

Dr Brooke Sperry
Policy Officer, HEBRG

Stephen Taylor
Assistant Director for PBS Sponsorship, UK Border Agency

Peter Tinson
Executive Secretary, Universities and Colleges Information Systems Association

Andy Youell
Director of Standards and Development, Higher Education Statistics Agency

Meeting date
10 May 2011

HEBRG financial report to 31 December 2011

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<tr>
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<td>TOTAL COSTS</td>
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Funding

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<td>SFC</td>
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<td>HEFCW</td>
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<td>Other</td>
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<td>TOTAL INCOME</td>
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<td>B/ldd</td>
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<td>(75,491)</td>
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<td>(73,739)</td>
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<td>73,739</td>
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### List of acronyms used in this report

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ARC</td>
<td>Academic Registrars Council</td>
</tr>
<tr>
<td>AHUA</td>
<td>Association of Heads of University Administration</td>
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<tr>
<td>BIS</td>
<td>Department for Business, Innovation and Skills</td>
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<td>BRRG</td>
<td>Better Regulation Review Group</td>
</tr>
<tr>
<td>BRTF</td>
<td>Better Regulation Task Force</td>
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<tr>
<td>BUFDG</td>
<td>British Universities Finance Directors Group</td>
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<tr>
<td>CAS</td>
<td>Confirmation of Acceptance for Studies</td>
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<td>CUC</td>
<td>Committee of University Chairs</td>
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<td>DELNI</td>
<td>Department for Employment and Learning Northern Ireland</td>
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<td>HEBRG</td>
<td>Higher Education Better Regulation Group</td>
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<td>HEFCE</td>
<td>Higher Education Funding Council for England</td>
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<td>HEFCW</td>
<td>Higher Education Funding Council for Wales/ Cyngor Cyllido Addysg Uwch Cymru</td>
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<td>HEPISG</td>
<td>Higher Education Public Information Steering Group</td>
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<td>HERRG</td>
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<td>HEW</td>
<td>Higher Education Wales/Addysg Uwch Cymru</td>
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<td>HTS</td>
<td>Highly Trusted Sponsor</td>
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<td>Interim Regulatory Partnership Group</td>
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<td>Joint Education Taskforce</td>
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<td>KIS</td>
<td>Key Information Set</td>
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<td>National Union of Students</td>
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<td>Points Based System</td>
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<td>Professional, Statutory and Regulatory Bodies</td>
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<td>QAA</td>
<td>Quality Assurance Agency for Higher Education</td>
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<td>Office of Qualifications and Examinations Regulation</td>
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<td>Quality in Higher Education Group</td>
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<td>Scottish Further and Higher Education Funding Council</td>
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<td>Student Loans Company</td>
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<td>SMS</td>
<td>Sponsor Management System</td>
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<td>TDA</td>
<td>Training and Development Agency for Schools</td>
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<td>TRAC</td>
<td>Transparent Approach to Costing</td>
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<td>UCAS</td>
<td>Universities and Colleges Admissions Service</td>
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Supporters

- Universities UK
- GuildHE
- Universities Scotland
- Higher Education Wales, Addysg Uwch Cymru
- Higher Education Funding Council for England
- Scottish Funding Council
- Higher Education Funding Council for Wales, Cyngor Cyllido Addysg Uwch Cymru
- Department for Employment and Learning Northern Ireland
- Department for Business, Innovation and Skills