

Simplifying access to the market: degree awarding powers and university title

Universities UK response

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Introduction

It is essential that the criteria for degree awarding powers and university title are robust enough to protect the international reputation of the UK higher education sector. Degree awarding powers (DAPs) should not be granted to poor-quality, transient or negligent providers. Students should be able to have confidence in the quality of their degree.

'University title' should also remain a meaningful term that indicates to students that they are joining an academic community. The consultation notes, and Universities UK agrees, that university title is prestigious, desirable and valuable. The expectation is that university title will continue to be applied to bodies that are primarily providers of higher education.

Degree awarding powers

- 1. Do you agree or disagree that the Office for Students (OfS) should consider applications for New DAPs for research awards from providers without a three-year track record of delivering higher education in England?*

In exceptional circumstances.

The OfS should consider applications for New DAPs (NDAP) for research awards from providers without a three-year track record of delivering higher education in England only in exceptional circumstances. Universities UK suggests that this consideration would involve the OfS making a judgement about whether the provider is likely to materially contribute to the quality of the UK research base. As set out in section 46 (5) of the Higher Education and Research Act (HERA) and in the consultation document, this consideration must be based on the advice of the

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designated quality body (DQB) and informed by the views of UK Research and Innovation (UKRI).

The UK research base is high-performing, accounting for 9.9% of downloads, 10.7% of citations, and 15.2% of the world's most highly-cited articles, with just 0.9% of the global population. The research base is also efficient, with the highest impact per unit of spend with 156.7 citations per 1 million US dollars of research and development expenditure in higher education. The decision-making process undertaken by the OfS should make judgements about quality and efficiency in this context.

2. *Are there particular circumstances where authorisations of this type would be appropriate? If so what are they?*

The particular circumstances where authorisations of this type would be appropriate relate to the likelihood that the incoming provider would materially contribute to the strength of the UK research and development base. This is difficult to assess, but would include measures of the providers research strength, such as citation metrics, membership of an international research network and research grant income.

Universities UK would expect, as a minimum requirement, for UKRI to be consulted about the quality of the incoming provider and, in the event of a successful application, for the judgement of the OfS to be published.

3. *Do you have any comments on the proposed New DAPs test and associated processes? In particular, do you think these tests and processes provide appropriate safeguards whilst enabling high-quality new providers to access DAPs?*

The consultation aims to simply access to the market. As a general principle, providers travelling along different routes to achieving DAPs should be assessed based on the same rules. The NDAP process should take as long as the track record process so that new entrants are assessed fairly, based on the same length of consistent performance. If this is not possible under the proposals, then NDAPs should be subject to greater scrutiny as they establish their track record.

Student protection plans

New DAPs are likely to have a higher risk of failure than more established providers that have a demonstrable track record of sustainable operation. The OfS should therefore include stronger conditions around student protection plans, including validation in the event of institutional failure.

The OfS should clarify if it intends to validate degrees in the event of the failure of a NDAP provider. If the OfS expects an authorised registered provider to undertake this role through the commissioning arrangements set out in Section 50 of HERA, or if the OfS itself intends to validate provision in the event of institutional failure, this

should be made explicit in the student protection plan. This should include a note explaining why these arrangements are in place. The OfS should clarify at what point it would secure Secretary of State approval to act as a validator if it is named in a student protection plan.

Universities UK notes that an NDAP will be unable to make intermediate awards for students who want to exit before completion of the programme in question, unless these are specified in the probationary plan. To ensure that students are protected, only intermediate awards lasting two years or more should be included in a probationary plan. This will mean that an NDAP will have a full year of scrutiny before the provider makes their first set of awards.

Transnational education activities

NDAPs should not engage in transnational education activities during their probationary period. This is consistent with the line the OfS has taken on restrictions around entitlements to validate or franchise provision to other providers.

Exceptions

4. *Do you consider the proposals for monitoring a provider with New DAPs during the probationary period to be adequate and appropriate?*

No.

Although the OfS is committed, through the DQB, to ongoing monitoring of the NDAP through the probationary period, the consultation would suggest that it can only act at the end of the probationary period. There should be a higher level of ongoing monitoring by the DQB during an NDAP period and the OfS should act before the probationary period concludes if necessary.

In the context of a risk-based approach to regulation, the ongoing monitoring requirements for NDAPs undertaken by the DQB should reflect the higher risk associated with these providers. In practice, NDAP should involve a higher frequency of reviews and checks.

5. *Do you agree with the proposals for the OfS and providers to best ensure that students are aware of what type of DAPs, including New DAPs, a provider has? If you think there should be additional information requirements, please give details.*

The proposals are insufficient at present. The power of an NDAP to award degrees is clearly probationary, and is described as such in the consultation. NDAPs should therefore be accurately described as probationary degree awarding powers, or PDAPs. While the OfS register will be clear that powers are on a probationary basis, it is unlikely that all students will access this material.

Student protection plans are an initial and ongoing condition of registration, as specified in section 13 of HERA. They are designed to protect students if an event specified by the OfS were to occur. Given the increased risk around NDAPs, student protection plans for providers with NDAPs should cover a wider range of eventualities to ensure that students are adequately protected.

6. Do you agree or disagree with the suggested change regarding the possible variation of the level 6 taught DAPs criterion?

Universities UK supports the suggested change regarding the possible variation of the level 6 taught DAPs criterion, subject to a robust definition of a 'significant amount of level 6 provision'. If this variation is approved, it should only be used in exceptional circumstances.

Universities UK disagrees with the proposal that such a provider, having obtained degree awarding powers on an exceptional basis, should be allowed to apply or receive university title. The full rationale for this position is set out in the response to question 9.

7. If the 50% criterion is to be disapplied in some exceptional cases, what factors do you think the OfS should take into account when determining whether an application is an exceptional case?

The rationale for this variation relates to the size of provision offered by the provider, so clearly the OfS must make some assessment of the absolute size of higher education provision.

The policy intent is to permit this variation only in exceptional circumstances. Therefore, there should be additional criteria or a published narrative justifying the decision of the OfS.

8. Do the application processes for DAPs sufficiently align with the registration processes and conditions?

Yes.

Decisions to award DAPs should be based on the advice of the DQB, which Universities UK thinks should be the QAA, through the Advisory Committee on DAPs and University Title.

University Title and University College Title

9. *Do you agree or disagree that for providers that have obtained DAPs on an exceptional basis without having the majority of higher education students at level 6 or above (as proposed in question 6), the 55% criterion for University Title should be adjusted to additionally require the majority of higher education students to be on courses at level 6 or above?*

Disagree.

Providers should only be considered for University Title if the majority of provision across the institution is at Level 6 or above. As the consultation document notes, universities are primarily providers of higher education, and it would therefore be misleading to identify a provider as a 'university' if the core provision of the provider was below degree level.

There should be a clear distinction between a 'university' and a provider with DAPs. Greater consideration should be given to the characteristics associated with university title in England and how these compare with universities in other parts of the UK and internationally. Although the consultation considers university status in other jurisdictions, it does not comment specifically on what the 'appropriate' level of higher education provision is.

10. *Do you agree or disagree that student numbers, for the purposes of the 55% criterion for University Title, should be calculated based on the intensity of study, disregarding the mode of study? Please give reasons for your views.*

Agree, provided that all students at every level at the provider are recorded using a consistent methodology.

11. *Do you have any views on how students on accelerated courses should be taken into account, when calculating the percentage of higher education students at a provider? Should these students be counted as 1 full-time equivalent or more?*

To maintain consistency, students on accelerated courses should be considered based on the intensity of study. For example, a student undertaking a two-year bachelor's degree would be studying at 1.5 intensity. Where such data is used to determine University Title all students should be considered using the same methodology, including those studying programmes below level 4.

12. Do you agree with this assessment of the factors that should be set out in Secretary of State guidance to which the OfS must have regard to when determining applications for University Title? If you disagree, please give reasons. If you believe any additional factors should be included, please indicate what these are with reasons.

Disagree.

The fourth factor set out in the consultation document is materially different from the proposal set out in question 9 of the document. Universities UK's view is that higher education providers should only be considered for University Title if the majority of provision across the institution is at level 6 or above.

The reason for the disagreement is that there is a generally held expectation that a *university* is a body primarily concerned with the provision of higher education. As such, the absolute size of a provider is materially less important than the focus of the provider.

Universities UK's view is that registered providers should also have their names approved by the OfS. There is a clear potential for registered providers to have names that are confusing and misleading, and this should be addressed by the OfS.

Post-award issues

13. Do you agree or disagree with this proposal of implementing the statutory provisions that allow for the revocation of DAPs and University Title and the variation of DAPs?

The statutory provisions that allow for the revocation of DAPs and University Title and the variation of DAPs are intended to be used only as a last resort, and would indicate regulatory failures elsewhere, such as the ineffective checks on entry into the higher education sector.

The judgement underpinning the use of these powers is likely to be challenged, so the OfS will have to satisfy itself that the judgement is as robust as it can be. This will likely involve consultation with the DQB and, perhaps, other sector bodies before a final decision is made.

Universities UK agrees with the implementation of the statutory provisions that allow for the revocation of DAPs and University Title and the variation of DAPs, but notes that the provisions are likely to be used very rarely.

14. Do you consider the above proposals regarding a change in circumstances to be sufficiently robust to safeguard the meaning and value of DAPs and University Title?

Yes.

15. Do you have any comments on the proposed DAPs criteria as set out in Annexe A? Are there specific aspects of the criteria that you feel should be adjusted in light of the OfS's overall regulatory approach, in particular ongoing registration conditions?

The proposed criteria are welcome and signal continued alignment with the wider UK system. In particular, criteria around student engagement and external referencing (including external examiners) are important, and mirror requirements in the other member-nations of the UK. It is important that the UK-wide system is maintained, and adjustments to the criteria should be made with reference to the wider UK system, potentially through the UK Standing Committee on Quality Assessment.

16. Do you have any comments on the proposals for the assessment of applications for subject specific and bachelor's only DAPs? Are there specific aspects of the criteria that you feel would either be particularly relevant or not relevant for either of these types of DAPs?

No comment.

17. Do you have any comments on how a subject should be defined for the purpose of subject specific DAPs?

No comment.