

25 April 2017

Dear Member,

The Higher Education and Research Bill: Ping Pong

As the President of Universities UK (UUK) and Chair of GuildHE, representing over 170 higher education providers in England, Wales, Scotland and Northern Ireland, we are writing to Members of Parliament to signal our support for the Higher Education and Research Bill.

UUK and GuildHE have consistently called for new legislation to be brought forward given that the current regulatory framework has not kept up with the implications of fundamental changes to tuition fees, with increased competition and with the growth in the numbers of alternative providers. That is why we have supported the objectives of the bill to provide greater protection for students and ensure that all providers of higher education – old and new – can be regulated fairly, consistently and on the basis of risk.

Our universities continue to be world-leading in teaching and research, despite a number of factors affecting the sector, including the impact of Brexit and the erosion of tuition fee income by inflation over the past five years. The suite of amendments tabled by government on 24 February 2017 were significant and welcome, and in keeping with the changes to the bill which many of you had advocated throughout the passage of legislation.

With parliamentary time for Consideration of Amendments limited in the ‘wash-up’ period, we consider the [amendments](#) published by government today are a positive and sensible package which address a number of outstanding concerns. Together, they offer a compromise which we hope you will be able to support to ensure that the bill – which has undergone significant changes from its original publication – is now able to pass into law.

Our views on the amendments are as follows:

University title

In place of New Clause 1 introduced in the Lords, the government has tabled an amendment which would require the Secretary of State to consult with bodies representing the higher education sector and students when giving guidance to the Office for Students (OfS) about its powers to grant university title. The OfS must consider that guidance before allowing a provider to call itself a university.

This change addresses the concerns of some of our members about the original Lords’ amendment about defining a university as offering “an extensive range” of subjects, potentially impacting on high-quality specialist institutions.

Teaching Excellence Framework (TEF)

The government has listened to arguments made in the Lords regarding the speed at which the TEF is being introduced and the need for further review of the scheme. The government has tabled a counter amendment to Lords Amendments 12, 209 and 210 which would delay the differentiation of fees by an institution’s TEF rating until the academic year 2020/21.

Under other changes proposed by the government today, any future increases in tuition fee limits would automatically require the approval of both Houses of Parliament.

In response to peers' concerns, there is a new amendment to replace Lords Amendment 23 which would embed in primary legislation an independent review of the TEF to commence in 2018. This review would have to consider:

- the process by which ratings are determined;
- whether the metrics are fit for purpose;
- whether the classifications awarded are appropriate;
- the impact of the scheme on higher education providers; and
- whether the TEF is in the public interest.

This independent review, conducted by an individual who would "command the confidence of registered higher education providers" goes beyond the promises of the lessons learned exercise announced in February 2017 and in our view is a valuable compromise.

Electoral registration

Our two organisations are fully supportive of promoting electoral registration and encouraging students to register online to be able to take part in local and national elections, should they choose to do so – indeed we will be running a campaign ahead of the general election on 8 June 2017.

In place of Lords Amendment 15, the government amendment establishes a new duty for registered higher education providers to take such steps as the OfS considers appropriate to build relationships with the electoral registration officers of their local authority. This would be with the aim of encouraging students enrolled at the institution to register to vote.

This new amendment addresses our concerns about a one-size-fits all approach, and we support this as a mechanism to encourage our members to work cooperatively with local authorities in that matter. We will continue working with Cabinet Office to embed good practice and to simplify processes and increase the number of students on the electoral roll.

Degree awarding powers (DAPs)

The government has tabled a counter amendment to Lords Amendment 71 on the granting of new DAPs. Under the government's proposed changes, the OfS must notify the Secretary of State whenever DAPs are awarded to any provider which has previously not been in validation arrangements with an established institution to provide better oversight of the process. We view this as a sensible requirement.

The government has also come forward with proposals to strengthen Clause 47 on the process for granting DAPs. Under the strengthened clause, the OfS is required to take advice either from the designated quality body or from an independent committee on the ability of a provider to maintain quality and standards. We welcome this as strengthening further the expert, arm's length scrutiny already enshrined in the bill.

Appeals procedure for OfS sanctions

In response to Lords' Amendments 78 and 106, the government has proposed changes to the bill which would allow higher education providers to challenge the decisions of the OfS at a first-tier tribunal under any reasonable circumstances.

This is a welcome addition which will extend the right of appeal beyond the narrow categories originally outlined in the bill.

International students

International students coming to the UK to study now generate nearly £26 billion for the economy and provide a significant boost to regional jobs and local businesses. International students also enrich our campuses and the experience of UK students, both academically and culturally. They return home having built strong professional and personal links here that provide long-term, 'soft power' benefits for the UK.

The government amendment replacing Lords Amendment 156 places a duty on the designated data body to consider what statistical information has the potential to be of value to current and potential international students, and for registered higher education providers, and is an amendment which we do not oppose.

However, we consider that policy change on immigration issues relating to the recruitment of international students and staff extends beyond this bill and remains vitally important for the future of the UK economy and Britain's place in the world following Brexit. We will therefore be communicating the sector's hopes for any future immigration legislation to all political parties ahead of the general election on 8 June 2017.



Dame Julia Goodfellow
President of Universities UK and
Vice-Chancellor of the University of Kent



Professor Joy Carter
Chair of GuildHE and
Vice-Chancellor of the University
of Winchester