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Managing risk and developing responsible transnational education (TNE) partnerships

Co-authored by the British Council
and Universities UK International

May 2024

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Acknowledgments

This report was co-authored by Alexis Brown (British Council), Annabelle Lee (UUKi) and Joana Westphal (UUKi). The authors are grateful to the British Council and sector experts interviewed as part of this research.

Foreword

Growth in UK Transnational Education has been enormous in the last five years. This growth is to be celebrated, as it testifies to the enduring appeal of high-quality education institutions across the UK that have much to offer the world through a vast range of subjects and types of provision.

In 2019 the UK Department for Business and Trade, and Department for Education launched the UK's International Education Strategy, which placed a significant focus on the growth of UK TNE. Through my role as International Education Champion, I have worked with governments around the world to help open up new opportunities for UK TNE providers and I am proud of the rapid growth we have subsequently seen. The UK is one of the world's major TNE providers.

As UK TNE continues to grow across the world and as we adapt to changing geopolitical contexts where TNE is well-established, it's vital that every institution has a robust and flexible risk framework. This report outlines many of the key areas in which these risks occur, from financial risk to research security, to academic freedom and other areas.

A key strength of this report is that it focuses not only on the beginning stages of a partnership, when initial due diligence checks are made, but explores what appropriate risk management looks like as a partnership evolves and eventually winds down. Appropriate monitoring measures, as well as attention to ongoing relationships and shifting political contexts, is crucial to maintaining partnerships in the longer term.

Another important aspect of this work is the emphasis it places on understanding and communicating with overseas institutions as equal partners in transnational partnerships. Genuine understanding and transparency between partners must form a part of effective risk management, in addition to the contribution that these qualities make to the equitable partnerships we continually strive for. In this sense, this report is very much an extension of the aims of the British Council's new TNE strategy, as well as the policy work that UUKi leads on for the sector.

I would like to thank the British Council and Universities UK International for producing this excellent report, which helps us give the sector tools to consider and implement the measures needed for risk-literate TNE engagement. I look forward to continuing to work with them and the sector to support responsible and sustainable TNE provision.



Sir Steve Smith

UK International Education Champion

Executive summary

This research aims to offer guidance to UK universities on mitigating risk in transnational education (TNE). Delivering UK programmes overseas is a key part of the UK university community's approach to internationalisation and global engagement, and plays an important role in supporting economic, development, and soft power ambitions of the UK and our partners. To help maximise the benefits that flow from TNE, this report positions effective risk mitigation as a key enabler in delivering responsible, secure, and sustainable partnerships. Acknowledging both the key role TNE plays in the international activities of the UK sector, as well as to economic, developmental and soft power goals of the UK more generally, it imagines effective risk mitigation as a key enabler in sustainable and responsible TNE partnerships.

TNE is a strategic priority area for Universities UK International (UUKi) and the British Council, who both work to support the development of responsible, sustainable and scalable TNE globally. UUKi works closely with partners on research and insight to provide university leaders with the evidence they need to make strategic decisions on TNE, whilst also monitoring and identifying barriers in priority markets and working with key stakeholders including UK government towards removing these. Similarly, the British Council works with governments and regulators overseas in-country, as well as the UK sector, to understand priorities, remove barriers, and help international stakeholders achieve common goals.

The choice to engage in TNE will involve carefully weighing up potential risks of a partnership with its potential benefits. This research shows that at the outset of a partnership, relationships must be built on a good understanding of the local regulatory and political environment, as well as of how that environment is subject to change. This relationship should be further underpinned by a thorough understanding of the priorities of a potential partner, as shared goals must be central in any partnership. Defining risk appetite and red lines from the outset will help set parameters for deciding which opportunities to develop and establish clear boundaries and expectations for all parties.

Open, frank conversations between partners at the start are vital for partnerships to evolve.

All phases of a TNE partnership – from inception to winding down, teaching out, or termination – must be underpinned by an integrated approach to managing risk across six key areas, including:

- financial risk
- reputational risk
- academic freedom and freedom of speech
- security considerations
- relationship and personnel management
- cyber, intellectual property (IP) and data management.

The salience of these six dimensions will vary depending on the nature of the partnership, the region or country in which it operates, and the specific subject and teaching level mix.

This report draws on sector advice and British Council expertise on developing sustainable partnerships, with a focus on managing risk holistically across a TNE partnership life cycle. While the risk and security challenges that UK TNE providers encounter may be increasing in quantity and broadening in scope, this research shows that there are practical steps universities can take to create partnerships built on trust and mutual understanding. Through robust risk management, UK universities can enhance their TNE activity, expand their TNE offering, and grow in their capacity for widening access to higher education internationally – while ensuring that partnerships are responsible, sustainable and secure.

Introduction

UK higher education Transnational Education (TNE) has been growing steadily over the last decade and has been particularly strong since 2019-20 (+22.0%). Numbers grew by 9.3% between 2020-21 and 2021-22 to 558,085 UK higher education TNE students across 230 countries and territories, making TNE not only an important part of UK providers' international higher education activity, but also the UK's education-related exports and efforts at achieving the Sustainable Development Goals (SDGs).^{1,2} UK universities provide TNE for a variety of reasons, including income generation and diversification, brand promotion, capacity building and knowledge sharing, and widening access to high-quality tertiary education.

The scale and significance of TNE for both UK universities and partners makes comprehensive risk management and responsible internationalisation increasingly important as universities strive to develop financially viable, secure, trusting and resilient partnerships. While risk management in international research collaboration has become increasingly sophisticated in recent years, especially in the context of security-related challenges, there has been less focus on understanding and implementing best practice when developing, maintaining and exiting TNE partnerships.^{3,4}

Through interviews with UK universities and British Council staff, this research builds on UUK's guidance *Managing risks in Internationalisation: Security related*

issues (see here) and draws together insights from British Council staff as well as experts in the UK higher education community. This report is designed to enhance awareness of the broad nature of risks in TNE and to build capacity within the sector to develop effective risk management strategies so that TNE partnerships may thrive for the long term. It positions effective risk management as a key enabler of sustainable and responsible partnerships, rather than a barrier or limiting factor.

This report is aimed at a wide audience. It will be of use both to UK universities who are at an early stage of developing TNE partnerships and to UK TNE providers with greater experience. The report may also be of interest and use to the international community. The first section looks at partnership scoping and development; section two explores specific dimensions of risk and how universities might work to mitigate against those; and section three highlights good practice when monitoring and winding down partnerships. The report concludes with key takeaways for universities when developing TNE partnerships and outlines areas for support from sector bodies and government.

UUKi and the British Council are grateful to interviewees of the UK higher education sector and the British Council, who shared their experiences and expertise.

¹ According to data collected by the Department for Education (DfE), the UK's total revenue of education-related exports and transnational education (TNE) activity in 2020 was £25.6 billion, an increase of 57.5% since 2010. UK higher education providers contributed an approximate £130 billion contribution to the UK economy in 2021-2022 and were able to do so due to TNE, international activity and investments. Universities UK, 'The impact of the higher education sector on the UK economy,' 2023. Available at: www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/impact-higher-education-sector-uk

² British Council, 'The Value of Transnational Education Partnerships', October 2022. www.britishcouncil.org/education/he-science/knowledge-centre/transnational-education/value-transnational-education

³ See work and guidance from the National Protective Security Agency (NPSA), National Cyber Security Centre (NCSC), Research Collaboration and Advice Team (RCAT), Universities UK, and the Association for Research Managers and Administrators (ARMA).

⁴ Universities UK, 'Managing risks in internationalisation: security related issues', 2022. Available at: www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/managing-risks-internationalisation; Universities UK International, 'Case studies: how universities are managing risk in internationalisation', 2022. Available at: www.universitiesuk.ac.uk/universities-uk-international/insights-and-publications/uuki-insights/case-studies-how-universities-are; National Security Protective Authority (NPSA), 'Trusted Research Guidance for Academia', 2023. Available at: www.cpni.gov.uk/trusted-research-guidance-academia.

Methodology

This publication is based on desk research and semi-structured interviews with twelve UK universities that provide TNE across all world regions, and five members of staff from different British Council in-country offices. The aim is to capture, consider and articulate the experiences of risk management in TNE from the perspectives of both UK TNE providers and those supporting partnerships overseas.

Universities were selected for interview using the Higher Education Statistics Agency (HESA) Aggregate Offshore record (AOR) 2021-2022. To get a broad and balanced picture, providers were selected based on:

- Scale: 10,000+ students, 5000-10,000 students, 1000-5000 students, and 100-1000 students.
- Types of TNE provision: based on HESA AOR definitions 2021-22, categories are 'Distance, flexible or distributed learning'; 'Other arrangement including collaborative provision'; 'Overseas campus of reporting HEP'; and 'Overseas partner organisation'.
- Location and focus: providers were included from each of the four nations of the UK – Scotland, England, Wales and Northern Ireland; a mixture of research-intensive and teaching-focused universities; and collectively delivering TNE in partnership with stakeholders across all world regions (as defined by HESA AOR 2021-22).

This research provides a snapshot involving a small number of providers, intended to provide an evidence-informed stimulus for the discussion that follows.

Partnership scoping and relationship-building

Any TNE partnership begins through a process of meeting, vetting, and building relationships with a potential partner. Four areas stood out from the research interviews regarding what UK TNE providers should be especially aware of when embarking on a new TNE partnership, namely: learning of local knowledge and gaining cultural understanding; assessing motivations; defining risk appetite; and mitigating against risk through red lines. See the [Checklist](#) in the Annex for key questions to consider.

Local knowledge and cultural understanding

The value of local knowledge should not be underestimated when scoping new partnerships and building relationships with potential partners. As one country director for the British Council noted, this was particularly true in newer markets that were still developing and generating outside interest.

Consultancies were identified as aiding understanding of the local landscape, but also needing their own due diligence from UK universities before engaging:

“Just as the market is opening up, there is a flurry of organisations in [X] who are offering this [due diligence] advice and not all of them may be that well-versed or ethical in the advice that they would give to universities.”

Desk research often supports UK universities to narrow down consultants with positive reputations, significant experience and clients in other country contexts. In-country colleagues, UK government departments and the British Council are also relied upon by several TNE providers to obtain key information about on-the-ground in-country activity.

Interviewees described how developing cultural and political understanding involved gaining awareness of how changing **political environments** could affect local priorities. A country director from the British Council expressed that UK universities could sometimes underestimate how a volatile political environment might affect the development of a partnership. They pointed to recent government priorities in one country that has emphasised growth in distance learning:

“But if four years or five years down the line, this particular administration moves on and changes, and the next person comes into office and decides that that’s not a priority for them, then there’s a very real risk that the existing partnerships or any sort of developing interest in setting up partnerships in [X] might be at risk.”

The extent to which these priorities are subject to change are country-specific and more mercurial in some contexts than others. In some locations they may also be governed externally by a commission, for example, with cyclical terms creating more stability for planning. Knowledge of these political risks and timelines can help UK universities and their partners plan around potential regulatory or environmental barriers to TNE.

Motivations

Many interviewees noted the importance of understanding the motivations of a potential partner during the initial stages of the relationship. Only through this mutual understanding could each partner gain a sense of whether their values and ambitions aligned in a mutually beneficial way.

Some noted that motivations for partnerships tended to differ by **type of partner** and that this could help inform initial partnership scoping. For example, one university noted that they tended to favour partnerships with governments over developers, for several reasons:

“Governments tend to share the same long-term goals – such as upskilling the population – while developers tend to see a university as the jewel in the crown of their new development and aren’t necessarily as interested in longer-term goals.”

While some types of partners may be naturally more aligned to the goals of UK universities than others, universities will need an in-depth knowledge of what a partner is hoping to achieve, as well as a sense of their own institutional motivations and capacities when exploring partnership.

Several interviewees communicated that partnerships are most often successful where there is a **mutual commitment** to form and maintain good relations and transparent agreements from the outset. One interviewee described the importance of partner alignment:

“[There has to be] alignment around academic ambitions. We understand that other education systems might not be so developed. It’s not the case that we will only work with the highest-ranked partners, but there has to be an alignment of what we’re trying to achieve and a level of professionalism that we want to work with.”

A balance between perception and reality was highlighted in British Council research, *The Value of Transnational Education Partnerships* (2022), which found that TNE providers’ perceptions of partners’ priorities did not always align with the priorities that overseas partners actually held.⁵ In interviews for this

research, several interviewees mentioned how they were often cautious to rely entirely on a partner’s **assessment of the in-country context** for TNE. One interviewee described an experience where they felt a partner had disguised the reality of an in-country external crisis, possibly out of fear of the UK provider exiting the partnership:

“They came back and said ‘No, everything’s fine, it’s just the media.’ They were trying to portray a situation, and there was almost an element of denial. I don’t know if they were worried that we were going to exit the partnership, which we absolutely weren’t. But it was really interesting because it made us go ‘well, we can’t just go on what the partner is saying because they’re approaching it from a slightly different way’.”

Assessing and articulating motivations through asking questions about priorities should be a priority for all stakeholders to support clarity of purpose early on, as well as working to build trust that facilitates open and constructive conversations when maintaining and managing partnerships later.

⁵ British Council, *‘The Value of Transnational Education Partnerships’*, 2022.

Risk appetite

Interviewees noted the importance of providers defining their risk appetite at the outset to help set parameters for where and with whom they would be willing to explore partnerships. Without a clearly defined risk appetite and corresponding international strategy, universities can make themselves more vulnerable to unexpected challenges, financial and reputational losses.

University and British Council interviewees explained how not all risk would be within a university's control. Interviewees pointed to how **geopolitical tensions** had the ability to disrupt partnerships in unpredictable ways, often at little notice. As one university described:

“And that [forced pulling out of the partnership] was in a way a shame because [it meant] we fell out with the partner. They were quite a good partner, and the consequences of our pulling out will have been quite devastating for their business [...]. But there was nothing we could do in that certain scenario. We couldn't continue to do business there.”

A British Council country director articulated that while broader governmental bilateral relationships could cause difficulty for TNE partnerships, these could sometimes be mitigated by strong people-to-people relationships, as well as by partnerships that have clearly articulated mutual benefit and multiple points of contact. Whilst developing relationships in challenging contexts might take additional resources and time, with the right planning, such partnerships can still flourish.

A director of education at the British Council described how the risk of engaging internationally must be against the counterfactual of not engaging. This interviewee noted the importance of learning to adequately **balance potential risks with benefits**:

“Everything we do inherently has risk. So, I might evaluate that, as long as there are more benefits than risks, then it is worth exploring, keeping in mind where an institution's red lines are. Quite often, I think we look at risk appetite as if it is a zero-sum game, but it rarely ever is. International student recruitment for example is inherently risky, but we take that for granted because it has so many benefits.”

In defining risk appetite, TNE providers' decisions must be guided by a careful consideration of not only immediate and operational risks, but also the risks of losing out on potential benefits by not engaging in a partnership in the long-term.

Red lines

TNE providers may find it helpful to have clearly articulated and agreed upon red lines when scoping potential partnerships. These red lines might be orientated differently and could be:

- **Discipline-specific**, according to national security or institutional principles. For example, one UK university exploring a partnership overseas would only collaborate on environmental science in their TNE partnership, as opposed to wider engineering subjects. This mitigated the risk of potential IP misuse or national security issues related to dual-use technology.
- **Based on financial models**, to mitigate against financial losses. Some universities had designated a minimum threshold for the number of students or a specific return on investment calculation per student, outside of which the partner will agree to cover losses if that target is not met. One UK TNE provider stated that the partner would need to provide evidence of three years of financial returns as proof of their financial position for a partnership to progress.
- **Academic quality-based**, to maintain high standards. One UK university explained their use of standard and shared curriculum across all campuses and TNE, from which they refuse to deviate. If a potential partner were unable to meet the requirements of this shared curriculum, they would be automatically ineligible for a partnership.
- **Overall score of success**, based on balanced assessment of risk across all key areas from the financial to the legal, cyber and academic. As one UK TNE provider stated, “if one part of the partnership looks like it might not deliver on its intended outcomes, then it generally won't be passed by the university.”

Even where UK universities did not designate specific red lines, they often developed an agreed upon set of principles to guide their international collaboration and devised mitigation strategies subject to cyclical updates and refresh. Interviewees noted that open and transparent communication with partners about what would and what would not be possible within a partnership was important and appreciated by partners.

One interviewee emphasised the importance of providers taking a **holistic approach** and not forgetting operational viability as they scoped out potential partners, through describing three strands to TNE that they felt to be inextricably intertwined:

“There are three strands effectively: there’s academic quality, commercial viability, and there’s operational excellence. [Providers must ask] does this institution understand programme assessment, timelines and the documentation they need to provide? Do they have a disability policy? Do they have a fair and clear admissions policy? Do they understand English language testing? There are all these different things that could have a really big impact on students and their experience and outcomes because sometimes they’ll prevent the student progressing between levels or getting the final degree classification.”

This suggests that TNE partnerships are more likely to succeed where both partners know in advance their capacity, objectives, desired type of provision, discipline of focus, their potential scope of investment and their operational strategy.



Understanding areas of risk in transnational education (TNE)

Risks associated with TNE go beyond financial and reputational concerns, and are often connected to differing values, laws, practices and expectations that define international activity.⁶ This section will provide an overview of the key areas of consideration for risk management in TNE, which interviewees reflected on, with guidance to support the sector across financial and reputational management; academic freedom and freedom of speech; research security; relationship and personnel management; cyber, IP and data management.

TNE providers may wish to assess their knowledge, expertise and competency in security risk management by reference to the “Risk and security management in TNE maturity curve” diagram, adapted from ARMA’s “Trusted research maturity curve” and designed to support the development and strengthening of internal protocol and systems (see [Annex A](#)).⁷

Financial risk management

The UK’s Financial Conduct Authority (FCA) has highlighted the importance of entities understanding their risk profile, striking the correct balance between risk and return, and diversifying investments.⁸ Within higher education, diversification through international partnerships can support universities to secure and bolster their financial position, in addition to supporting wider collaboration, fostering mobility links, and building their reputation internationally.

Interviewees expressed that TNE partnerships may involve significant up-front investment from one or more entities involved, perhaps in the form of seed funding for short or long-term projects, or a commitment to a series of subsequent repeated

or progressive investments over the course of a partnership term. Ensuring that the investment of net assets is suitably limited to not pose significant risk to operational activity was described as essential to a **strong financial management plan**, as one university interviewee attested:

“... the first point of reference is the assessment of an outline business case, trying to understand whether in principle the finances stack up, whether the business case is accurate. [...] There’s always a risk that without your own assessment of the financial opportunity you’re over-reliant on a partner’s assessment that sometimes won’t match the reality.”

Funding structures for TNE partnerships were described as dependent upon the type of TNE and associated resource requirements of the partnership or programme. Some TNE providers choose to only agree to fund a programme for a set time, such as three or four years, subject to a review and negotiated renewal at a pre-defined end date. A **defined partnership period** creates scope for flexibility and for redefining TNE arrangements according to the aims and needs of each partner, as contexts continue to adapt and evolve. In other instances, providers may commit to long-term investment in the form of an overseas campus, involving maintenance of physical infrastructure including university buildings and other utilities.

⁶ Universities UK, ‘Managing risks in Internationalisation: Security related issues,’ 2022. Available at: www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/managing-risks-internationalisation

⁷ Association of Research Managers and Administrators (ARMA), ‘Complex Collaborations,’ 2023, p.18. Available at: arma.ac.uk/wp-content/uploads/2023/03/Trusted-Report_Booklet_v7.pdf

⁸ Financial Conduct Authority InvestSmart, ‘Risk and returns,’ Financial Conduct Authority. Available at: www.fca.org.uk/investsmart/risk-returns

Whilst overseas campuses provide immense opportunities to attract international funding, they also pose challenges in relation to how estates might be managed and funded over time, whether privately funded or funded in part by local or national governments. In some cases, branch campuses take a long time to break even.

One UK TNE provider noted how despite financial due diligence, planning and monitoring, challenges had arisen due to a partner overpromising and underdelivering:

“... there are often occasions where you have to progress on the basis of faith – faith in what [the partner] say they can deliver and what the people that surround them say. But we’ve also had experiences where some of what was promised and what we were told was achievable, by way of provision of infrastructure and equipment, didn’t materialise. And so that infrastructure piece is always a risk.”

This indicates the importance of **early financial due diligence, close financial monitoring and an exit strategy**, along with a contractual agreement that allows for alternative arrangements and termination. Costs associated with TNE were described to include academic and professional staff salaries; course materials; venues and learning environments; online learning resources and library facilities; assessment mechanisms; IT platforms and software; technicians and management tools; costs associated with estates or usage of partner resources; engagement with partners, local or national government, or other external organisations. Significant additional costs could also occur in the teach-out of students if a partnership were to end. Interviewees noted that ideally, financial responsibilities would be contractually agreed at the outset to mitigate any negative impact if a partnership were to end unexpectedly.

Some TNE providers employed and utilised **in-house specialists** to conduct financial, tax-related, legal- and jurisdiction-related checks and to make a recommendation. Others outsourced this to **professional consultants** in the UK or overseas.

Undertaking initial due diligence on all key stakeholders, organisations, funders and funding sources, was considered to be the best way to mitigate against financial, reputational and security risks that could otherwise arise due to a lack of transparency or a conflict of interest. As articulated by one interviewee, “if there were anything uncovered in due diligence that was dubious, we wouldn’t work with that partner.” Another noted that a partner’s failure to produce financial returns would end their willingness to continue considering the partnership.

Reputational risk management

The UK is home to one of the highest quality tertiary education systems globally, yet reputational management has become increasingly challenging for UK universities due to rising global market competition, critical narratives towards the sector circulating through public media, and increased governmental and public scrutiny of UK universities’ activities. Thus, strong relationships and clear communication are needed to support strategy development and for TNE providers to realise their international ambitions. As one interviewee described:

“Reputational risks just seem to multiply. It is very clear that the complexities that we’re dealing with at the moment will mean that there’s scarcely a corner of the globe where there won’t be some level of sensitivity. Some people will be supportive, some people will not, and we’re increasingly trying to sort of tread that balance.”

Interviewees identified **equality, diversity and inclusion** as an area of increasing focus, underpinning many reputational challenges.⁹ In the UK, universities must adhere to the Equality Act 2010 to protect people against direct and indirect discrimination in relation to certain characteristics.¹⁰ Elsewhere around the world, there may not be any comparable legislation to the UK Equality Act 2010 or other UK laws that are designed to protect individual freedom. In some instances, the values of a particular government or authority may entirely differ to the UK and many other countries. This demands careful and reasoned consideration.

⁹ Kaozara Oyalowo, ‘Why do equitable partnerships in transnational education matter?’, 7 August 2023. Available at: www.universitiesuk.ac.uk/universities-uk-international/insights-and-publications/uuki-blog/why-do-equitable-partnerships

¹⁰ Equality Act, ‘Equality Act 2010: guidance’, 2013. Available at: www.gov.uk/guidance/equality-act-2010-guidance.

One interviewee described how their university had set up a TNE ethics group to sit alongside its research ethics committee to consider stakeholder values, human rights implications and other ethical questions:

“... the question was asked, should the university continue to work with [X]? And so, as a result, the university set up an ethics group to sit alongside other groups who also look at things like research ethics. [...] that group is there to advise the SLT [Senior Leadership Team]. They [the ethics group] don’t have governance decision-making power to say a partnership can or can’t happen, but they provide a recommendation around any concerns that are of a more ethical or reputational nature.”

This ethics group continues to use an evidence-based approach to aid the senior leadership in strategy development, navigating ethical dilemmas and making decisions on international partnerships. Several TNE providers interviewed expressed how they had internally undertaken a check on external partners’ and governments’ values as part of their due diligence prior to engaging in partnership arrangements. This had supported them in the development of contractual terms at the outset of a TNE partnership, to identify, negotiate and agree with their internal teams and external stakeholders upon procedures for managing any foreseeably contentious or challenging issues. Reputational risk checks had then formed part of a standing cyclical risk audit undertaken at appropriate intervals.

Academic freedom and freedom of speech

Although academic freedom and freedom of speech are often referred to interchangeably, these terms are distinct. Freedom of speech means everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference, while academic freedom means protecting the intellectual independence of academics to question and test received views and wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in danger of losing their jobs or privileges.¹¹

The Academic Freedom and Internationalisation Working Group (AFIWG) continues to bring together academics from UK universities, supported by relevant civil society representatives and the All-Party Parliamentary Human Rights Group (PHRG), to advocate for the protection of academic freedom and of members of the academic community at risk across the world.¹² Of key concern is the protection of members of the academic community, who in the process of learning, teaching and conducting research, may experience physical attacks, prosecution, dismissals, censorship and travel restrictions. The Committee of University Chairs (CUC) has worked to support effective governance in relation to growing concerns in this area through publishing the Higher Education Code of Governance, which remains subject to review and refresh as challenges evolve.¹³

¹¹ Universities UK, ‘Higher education sector statement on promoting academic freedom and free speech’ 2022. Available at: www.universitiesuk.ac.uk/latest/news/higher-education-sector-statement

¹² Human Rights Consortium, ‘Academic Freedom and Internationalisation Working Group,’ 2021. Available at: hrc.sas.ac.uk/networks/academic-freedom-and-internationalisation-working-group/about-afiwg

¹³ Advance higher education, ‘Codes of Governance: CUC Code of Governance,’ 2020. Available at: www.advance-he.ac.uk/guidance/governance/codes-governance

For all UK TNE providers interviewed, a key and increasing challenge communicated was the extent to which they could guarantee academic freedom and freedom of speech for students when operating in certain contexts or in partnership with certain actors. Simultaneously, providers noted the difficulty of monitoring individuals studying at advanced level, those deemed high-risk, as well of those working in high-risk contexts or in high-risk disciplines:

“It is definitely a concern for research collaborations, and particularly for PhD collaborations. [...] with students being a bit more vocal about home regimes and then potentially having to return, there is a concern.”

Challenges had occurred in the delivery of TNE provision to locations where the principles of academic freedom and freedom of speech are not upheld or equally understood to the UK, as well as where, in some cases, actors had deliberately sought to interfere with such freedoms. As noted in the Russell Group statement of Principles on Freedom of Speech, “the academic freedom of teaching and research staff is protected through clear contractual arrangements, and in legislation,” and is “central to the culture of our [UK] institutions,” however, this does not prevent UK higher education from foreign interference with these freedoms by internal or external parties.¹⁴

Interviewees collectively indicated that UK TNE providers should concentrate their efforts on two overarching obligations: to uphold the principles of academic freedom and freedom of speech, and to appropriately manage any unwarranted behaviour or circumstances that work against these freedoms. At the outset of TNE partnership arrangements, providers will need to assess course content and delivery, conduct

due diligence on internal and external stakeholders with this in focus, and **ensure protections are contractually in place:**

“We’re obliged to look at both freedom of speech and academic freedom for all nations, so that is a check that’s done at the initial stages of the partnership to look out for live conditions that may interfere with academic freedom [...] we will address those contractually.”

For some universities, this may involve processes for assessing stakeholder commitment to these freedoms, such as through online or in-person training or assessments, or framework agreements with staff or students. This would then be followed by ongoing appropriate monitoring and evaluation, through audits and cyclical training. English HE Providers offering transnational education must understand the legal and regulatory frameworks governing freedom of speech and academic freedom, and may wish to refer to guidance from the Office for Students and Universities UK on their duties.¹⁵

¹⁴ Advance higher education, ‘Codes of Governance: CUC Code of Governance,’ 2020. Available at: www.advance-he.ac.uk/guidance/governance/codes-governance

¹⁵ UK Parliament ‘Higher Education (Freedom of Speech) Act 2023,’ 11 May 2023. Available at: bills.parliament.uk/bills/2862/publications Universities UK ‘How can universities prepare for the Higher Education (Freedom of Speech) Act?’, 2024. Available at: www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/how-can-universities-prepare-higher

Security considerations

Research and innovation activity may take place within a TNE programme or arrangement. UK universities are subject to the same legislative measures when undertaking research through TNE partnerships and must be particularly stringent in identifying any TNE partnerships that involve any research activity to ensure this is undertaken in a safe and secure way.

One interviewee described their adherence to UK trusted research guidance for the management of their TNE partnerships:

“Partnerships will go through the trusted research process. My main goal is to conduct extensive due diligence. I look for reputational risks and any kind of regulatory concerns as well. [...] particularly above undergraduate level, trusted research principles [are applied].”

Interviewees described how joint PhD programmes through TNE arrangements are a particular form of TNE partnership that may be deemed high-risk depending upon the context, due to the involvement of high-level research and a greater risk of advanced knowledge transfer of sensitive information or IP theft. One interviewee also highlighted how being in partnership with one organisation in one context might prevent a provider from working with another:

“[We have to consider whether] it might hinder existing links with UK industrial partners. [We] don’t want to damage existing partnerships by setting up a new one with what is essentially a competitor in the same space. It does mean that we are maybe limited to just working on certain things with certain people and can’t necessarily widen [our partnerships].”

All interviewees expressed how a methodical approach to **due diligence** assisted their university in detecting security risks early on to mitigate against complications. Some noted the importance of having expertise for this due diligence in-house, whilst others described that due to limited capacity or desire for external support, they

would outsource this to a third party – the vetting of whom was sometimes challenging in and of itself:

“In an ideal world, it would be nice to have more oversight of third parties in international education, because we have been approached by a number of people and they don’t always come into the International Relations Office. They might go to academics because they’re in a particular field, and that’s, you know, what they’re interested in. It’s very difficult to work out if these people are legitimate and what their credentials are. So actually, I would say that [engagement with] third parties could be tightened up.”

To support this, UK universities may wish to consider appointing internal representatives to oversee the university’s TNE research activities to increase research security management within TNE. National Protective Security Authority (NPSA) guidance on ‘Roles and responsibilities’ notes that:

“Having an academic partnership manager who is responsible for nurturing your academic partnerships and protecting the resulting research could be a means to ensure that your research collaboration is successful. You should ensure that those within your organisation are aware of the threat and mitigations that you have placed within framework agreements. Your staff should also be aware of the constraints and challenges within academia.”¹⁶

Further guidance can be found in UUK’s publication *Managing risks in Internationalisation: Security related issues* (2022).¹⁷ Research security guidance is expanded upon in a report by UUK, NPSA and UK Research and Innovation (UKRI) *Managing risks in international research and innovation: an overview of higher education sector guidance* (2022), which encourages everyone within a university to hold risk and security in high regard, recognising that managing security risk involves both collective and individual responsibilities.¹⁸

¹⁶ National Protective Security Authority (NPSA), ‘Trusted Research Guidance for Industry’, 2022. Available at: www.npsa.gov.uk/trusted-research-industry

¹⁷ Universities UK, ‘Managing risks in Internationalisation: Security related issues’, 2022. Available at: www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/managing-risks-internationalisation

¹⁸ Universities UK, ‘Managing risks in international research and innovation: an overview of higher education sector guidance’, 2022. Available at: www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/managing-risks-international-research

Relationship and personnel management

TNE providers have responsibilities to various audiences, including professional staff, academics, students and TNE partners. For a TNE partnership to be truly successful, it will need the support of a range of internal and external stakeholders. Some interviewees described risk-related challenges in the management of TNE students overseas:

“We put an export control policy in place to enlist any academic doing any research overseas, publishing overseas joint papers, and we go through a rigid process with them to check that we’re not in breach of any export controls. We are constantly checking the watch lists of either universities or for individuals [...] we will go down to that level of detail.”

For any TNE involving research activity, a greater level of staff engagement was needed to ensure **transparency and accountability**. One interviewee described their university’s process for gauging the risk that might be associated with certain subject areas, research focuses, stakeholders involved and geographic region of collaboration, along with any applicable legislation, policies and regulatory measures:

“In [one] particular case, they [the partner] were unwilling to put something in the agreement. So that’s where it floundered really: provisions for safety around LGBTQ+. [...] We understand that these environments can be challenging. It’s about [asking ourselves] do we have a plan in place to make sure that if something happened, we could deal with it?”

Engaging directly with academic personnel on these issues was a crucial element of compliance. For some providers, this has been made easier on an operational level through closer integration of research compliance and TNE teams. Yet, for others, their internal teams remained separate with less or no joint responsibilities.

Staff wellbeing also featured where several interviewees stressed the need to consider whether any staff might be in particularly challenging, vulnerable or difficult circumstances, perhaps due to protected characteristics, or the location of operation or field of collaboration. Of particular concern amongst interviewees was the ability of their university to support and ensure protection of individuals identifying as LGBTQ+ in certain locations of TNE operation, as well as protection for those associated with such individuals, through work or family connection.

Despite providers developing mitigation plans to protect individuals, interviewees expressed that some actors will not act in the best interests of others. Further bilateral engagement between government officials will be needed to develop mutual understanding and to agree an operating environment amidst home and overseas legislation that will protect personnel and allow TNE partners to develop appropriate contractual agreements that will safeguard people, universities and partnerships.

Cyber, intellectual property and data management

The National Cyber Security Centre (NCSC) notes, “digital technologies that we now depend upon are vulnerable to attack, misuse, and abuse. They contain bugs, faults and weaknesses that can be exploited by attackers in ways that pose cyber security risk to the systems, services, and information we care about.”¹⁹ TNE provision may be particularly vulnerable to interference or exploitation as stakeholders collaborate across borders or in partnership with foreign actors, who may seek personal financial or social gain through actively hostile and or illegal actions, such as cyber-attacks, or through fraudulent or legally ambiguous business proposals and practices.²⁰

UK TNE providers must comply with legal frameworks and GDPR, as well as sensitively store and manage access to intellectual property (IP), personal and research data. Universities may better protect their assets by identifying any technologies or infrastructure in another country, region or territory prior to an international partnership set-up that may demand operational or contractual consideration. Several UK TNE providers interviewed expressed that their university had experienced cyber-attacks from international actors. Artificial intelligence (AI) and ChatGPT were both cited as risks if used deceptively to threaten or undermine systems of transparency. In relation to data and cyber management, one interviewee stated:

“We can, of course, have the provisions [for data and cyber management] in the contracts, but whether we are reassured that those [measures] are actually in place in a different jurisdiction and they are respected - that’s a whole different matter.”

Legal frameworks, cyber, IP and data management in a host country, territory or region may substantially differ from the UK and pose challenges for universities where there is a lack of sector-specific guidance. Where a university faces a cyber, IP or data concern, advice should be sought through contact with legal and cyber specialists. The UK Research Collaboration and Advice Team (RCAT) can support universities individually through consultation. The NCSC have published material to support organisations to make effective decisions and mitigate risk in cyber security, IP and data management.²¹ Jisc’s ‘cyber security community’, resources and assessments may also support universities in this area.²² It remains important that UK TNE providers share their experiences with UK universities and the UK government to increase the country’s collective capacity to respond, especially as cyber threats increase in sophistication and volume, and as new technologies develop.

¹⁹ National Cyber Security Centre (NCSC), ‘Risk management’, 2023. Available at: www.ncsc.gov.uk/collection/risk-management

²⁰ Universities UK, ‘Managing risks in international research and innovation: an overview of higher education sector guidance’, 2023. Available at: www.universitiesuk.ac.uk/sites/default/files/field/downloads/2022-06/managing-risks-in-international-research-and-innovation-uuk-cpni-ukri_1.pdf

²¹ National Cyber Security Centre (NCSC), ‘Risk management’, 2023. Available at: www.ncsc.gov.uk/collection/risk-management

²² Jisc Cyber Security, ‘Cyber security: Protecting UK education and research’, 2023. Available at: www.jisc.ac.uk/cyber-security

Monitoring and winding down partnerships

TNE partnerships may end for various reasons. Some partnerships may come to a natural expiry, whilst others may involve action to withdraw. Through ending a partnership, universities can reallocate resources according to a strategic change, and allow the growth of new activity. This section draws together interview insights on monitoring, evaluating and winding down partnerships. See the [Checklist](#) in the Annex for key questions to consider.

Monitoring and evaluation

Ongoing monitoring and evaluation of TNE partnerships was undertaken by all providers through different methods and techniques. Many interviewees described their university to have a committee or board with representatives from various departments – beyond those directly in charge of TNE – to approve new TNE partnerships and review those already existing. A monthly or quarterly committee or board meeting functioned as a professional peer review process to improve outcomes and strengthen partnerships, whilst also increasing visibility of any aspects for which a TNE partnership may need to wind down. Through this mechanism alongside day-to-day partner engagement and annual partnership monitoring, university staff considered a range of factors from quality of provision to financial viability, to student experiences. One provider noted how they would always ask for panels of students overseas to consult with to support the development and shaping of a programme:

“...for quite a few of our partnerships where we have fly-in faculty involved there’s regular on-the-ground contact, in addition to our annual academic quality oversight mechanisms. Being on the ground first hand, I think, makes a really big difference. As part of our ongoing programme of engagement with partners, we will always ask for panels with students. We do engage student voice because I think for us, student voice is important for home campus, and so we [also] try and engage that with overseas partnerships.”

This **consultation of key stakeholders in-country** in conjunction with the work of a **designated academic and quality enhancement unit** may be a method other TNE providers may wish to adopt, as in this instance it had supported this university to actively maintain specified standards across all the provider’s TNE partnerships.

Sourcing resolutions

There may be actions a TNE provider can take to improve, adapt or develop a partnership before deciding to end it. One interviewee explained how any risks identified in a TNE partnership would subsequently be evaluated for their “likelihood and impact” with a **mitigation strategy** devised and implemented where appropriate. Measures may include an **early warning system** and putting an **action plan** in place for a designated programme:

“In terms of mitigation, for example, [we utilise] an early warning system. Where we detect or identify any risk, we put an action plan in place for the designated programme. [We] work collaboratively with the partner programme team to make sure the actions are delivered and progressed in a collaborative way, but at the same time, if need be, it then gets escalated to the next level.”

In all cases, providers noted the importance of working collaboratively with partners to achieve a suitable outcome. Several interviewees shared that deciding what to do with enrolled students would be the primary consideration. One mentioned that a standard timeframe for exit would be twelve months and that their university would first consider all the options, including the possibility of handing a partnership on to another UK provider:

“Unless it’s something fundamentally gone wrong, then we’re on a twelve-month exit, and we have to give the partner twelve months’ notice. We’ll look at all the options first. It might be that we’re just closing one programme, or it might be closing the whole partnership. And then if it is the whole programme or partnership, [we ask ourselves] what can we do with those students? Is there a third party that can pick it up for us? Is another UK university stepping into the partnership anyway, and can we transfer the students? So we look at all options, but the first thing is [to decide] what we’re going to do with those students.”

Interviewees also communicated that ending a programme or partnership was sometimes necessary and offered an opportunity to correct the university’s approach:

“If something wasn’t set up correctly, then there’s actually an opportunity to be had in restarting and getting everything right.”

In any case, most university interviewees mentioned that their preference would be to teach-out and allow a partnership to come to its natural ending - as described by one university: “Ideally, we would prefer to keep working with that partner to ensure teach-out.”

Exit strategies

Several interviewees stressed the importance of an exit strategy being pre-defined and included contractually from the outset of a partnership to support as smooth a transition as possible at its end. This was seen as something that could support all stakeholders, especially if partnerships were to change or end unexpectedly. Exit strategies were described as tailored for individual partnerships and circumstances:

“I wouldn’t say we’ve got a formal strategy in place for closing partnerships – each one is different. But with all our partners we know what the exit options are from the outset. We will look at the exit options as we’re developing partnerships.”

Similarly, another interviewee expressed the need for an exit strategy to be developed at an early stage to mitigate against financial risk:

“I am quite adamant that we need to be discussing this with the partner fairly early on. It can be a very expensive mistake if we don’t get it right.”

However, another interviewee expressed that pre-defining an exit strategy was somewhat useless due to inevitable changes in circumstances over time:

“[Some people say that] the first thing you should do alongside developing that partnership is develop your exit strategy at the same time. I don’t agree with that at all because ultimately, you’re trying to build something that may run for 20 years. You can define an exit strategy at the front end – but that exit strategy is going to be completely redundant probably within a year, because there are so many variables involved in a partnership and the reasons for your exit. That partnership could also be so varied and complex, so I genuinely think that you need to do it on an ad hoc basis.”

Instead of a predefined exit strategy, this interviewee suggested that decisions could be guided by “standard operating principles that guide you through that process”:

“I think you need to have some common principles about how you assess whether it be right or wrong to exit a partnership; how you define the timeline to achieve the exit of that partnership; how you reach a decision that is institutionally what we want to do with that partnership; how you gauge and communicate your decision with the partner; and how you roll out the consequences of that decision.”

Another interviewee echoed this sentiment when describing that contract negotiation in this area could be sensitive and challenging, whilst maintaining the assertion that some contractual provision of an exit strategy was necessary to set clear expectations and equip all involved for this reality:

“The exit strategy is part of the original business case. [This] proposes a few things that we hope might work in case we had to do teach-out. [However,] I think when push comes to shove, what that looks like might be quite different to what initially goes into that risk grid and whole plan. We try to look at who else is from the UK in that particular market that we might have a conversation with at that point. [We] also try to be realistic about how much it would cost us to do certain things, [to] either get the students on our campuses or do online provision.”

One interviewee communicated that what had worked well at their university was a defined step-by-step **internal and external exit strategy** for partnerships, especially those deemed high-risk. This had pre-empted the university from several challenges and provided a route through to achieve an appropriate outcome. They explained how striking that balance between pre-empting challenges, whilst also not creating difficulties further down the line was challenging, but making a conscious effort to ensure that appropriate measures would be in place for a university was far better than taking no action at all and exposing the university to vulnerabilities. Thus, an exit framework to be updated, adapted or refreshed at cyclical intervals by agreement could be a means to offer providers and partners some level of protection.

Several interviewees referred to a **monopoly of external challenges** that had affected their TNE partnerships - as one interviewee put it, “force majeure events that we have no control over.” Another interviewee described this as a “cascaded impact of external environmental factors” and collectively interviewees identified examples of these, including health-related crises such as the Covid-19 pandemic; country-level economic crises; governmental shifts such as Brexit; environmental crises; geopolitical unrest; and war. In these circumstances, providers noted that there had often been very little they could do to salvage or maintain a partnership, and difficult decisions had to be made by their university on a circumstantial basis. In all cases, interviewees emphasised that a university’s **duty of care towards students and staff** directly affected by any decision to enter, change or end a partnership should always be a primary consideration:

“It’s all about putting student protection plans in place to ensure that the students are protected, whatever happens.”

A careful balance was understood as needed to navigate the winding down of partnerships from an ethical, reputational and financial perspective.



Conclusion

The risk and security challenges UK HE TNE providers encounter are increasing in quantity and broadening in scope. This research has highlighted that despite the challenges, there are steps universities can take to protect themselves and create secure partnerships. The experiences of twelve UK universities and five in-country British Council staff captured in this report expand upon key areas due full consideration by a range of stakeholders for UK higher education to thrive internationally.

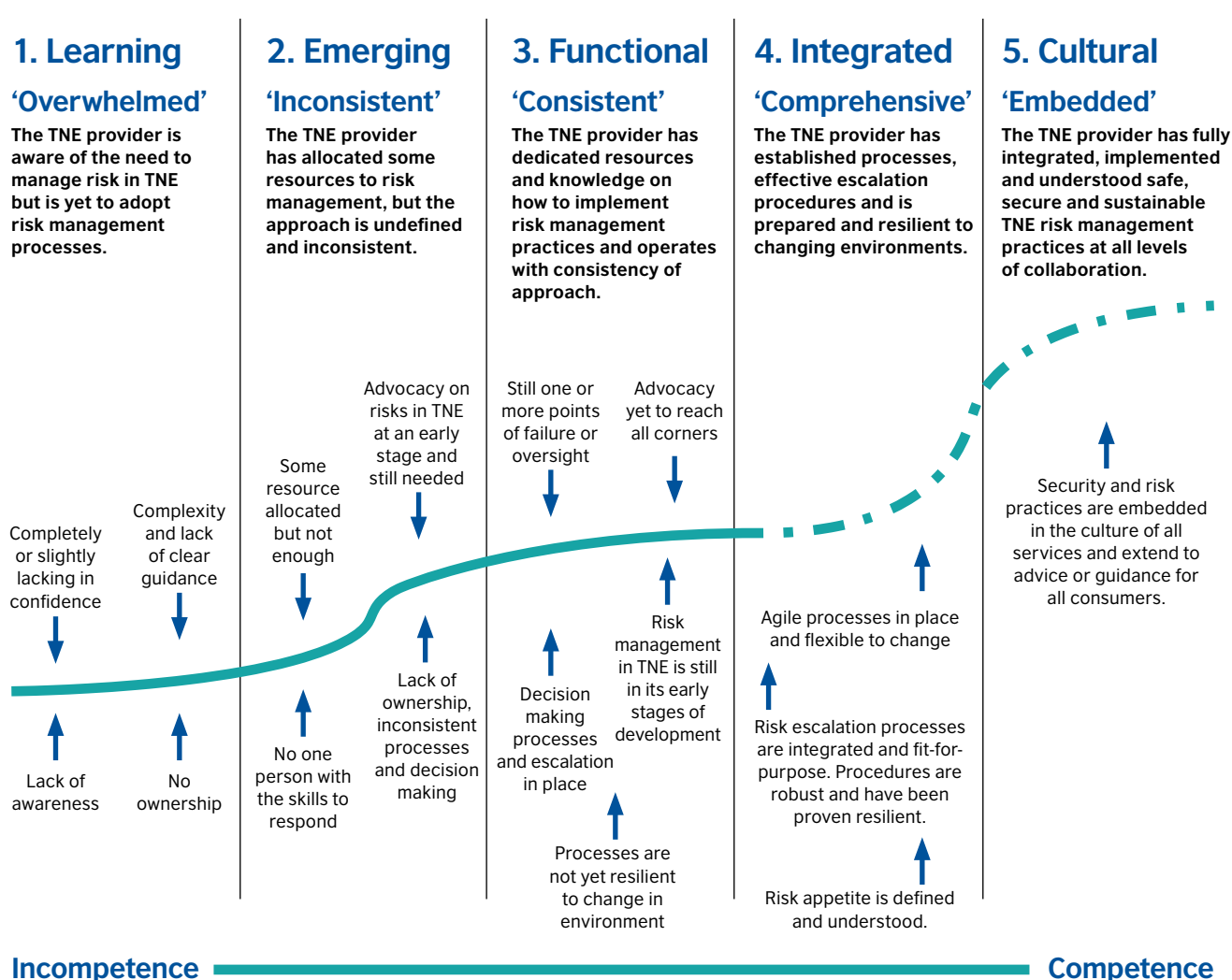
Among the research findings are several key takeaways for universities:

- The setup of a TNE partnership is key to its success. UK universities are more likely to thrive where they define their strategic objectives for TNE, their capacity, values and risk appetite before looking for a partner and scoping host countries, and where they ensure that appropriate contractual arrangements are in place from the outset.
- UK universities will need to continually upskill in and conduct effective and ongoing due diligence on external actors and third parties to mitigate against risks.
- Universities may wish to consider uniting existing in-house teams for capacity building and strategy alignment, including research compliance and TNE staff; finance, legal, HR and Equality, Diversity and Inclusion (EDI) staff; in-country students, teaching staff, and key internal stakeholders.
- UK universities may wish to develop and update exit strategies and guiding principles for partnership exits, which are built from sector experience. Peer-learning and sharing of resources between UK stakeholders may support capacity building.

Additionally, continued support for universities from UUKi, the British Council, sector bodies and the UK government, may catalyse the evolution of safe and secure UK TNE and encourage a risk-aware partnership culture internationally:

- UK universities would value support in identifying and working with trusted due diligence partners, legal and financial advisors, along with accurate and trustworthy in-country information on the movements, policies and attitudes of international governments and in-country regulators. This is especially important where the UK government promotes a region to the sector, as cultural, social and geopolitical factors may necessitate further guidance.
- The UK sector is more likely to thrive where legislation and regulations overseas and in the UK are clearly defined and communicated with sector specific guidance for international higher education partnerships. It is beneficial for UK universities when the UK government and the sector work collaboratively to identify barriers to international partnerships and support a smooth operating environment.
- Risk and security challenges in TNE are here to stay for the long-term; effective risk management demands a risk-aware culture at universities and ongoing risk management practices, with communication, input and commitment from UK universities, international partners, third parties and the UK government.

Annex A: TNE risk and security management maturity curve



“TNE risk and security management maturity curve”, adapted from the “Trusted research maturity curve” by the Association of Research Managers and Administrators (ARMA), *Complex Collaborations: Efficiency, Equity, Quality and Security in International Research*, 2023, p.18. Available at: arma.ac.uk/wp-content/uploads/2023/03/Trusted-Report_Booklet_v7.pdf

Annex B: Risk management checklist for TNE providers

The table below offers key questions TNE providers may wish to ask themselves across risk categories, from the initial scoping stages of a partnership through to its winding down.

Financial risk management

Beginning/scoping partnership

Does the financial model of the partnership account for country-specific circumstances (e.g. caps on tuition fees or student numbers? What are the tax implications?)

How much financial loss is your university able to absorb as the partnership finds its feet?

How will you implement and maintain a cost monitoring process?

Maintaining partnership

What are the findings of your continuous cost monitoring process and does your university and your partner have sufficient funds?

Is any aspect of the partnership coming up for financial renewal?

Have market fluctuations affected anything related to your partnership that indicates you should act or that requires you to act?

Disengaging/winding down partnership

How exposed is your university financially if the partnership ends?

Does your university and the partner have sufficient funds to close the partnership?

How might you close the partnership in a tax efficient manner?

Could any aspect of the closure cause you or your partner to be in debt, and if so, how will this be remedied?

Reputational risk management

Beginning/scoping partnership

How might the partnership be perceived by different stakeholders (students, staff, local and national governments, the public) and might these pose any reputational concerns?

To what extent will the TNE partnership be equitable and sustainable?

What contractual measures are in place to protect university branding? Have you agreed a media strategy internally and with your external partner?

Maintaining partnership

Who has responsibility for brand management within the partnership, and what protocol is in place to address breaches?

Should any action be taken to support equity and sustainability?

Are there any feasible steps you could take, either in the UK or in-country, to enhance and maintain your university's reputation in relation to collaboration with the partner?

Disengaging/winding down partnership

How is the partnership ending being communicated, both internally and externally?

Who is the right person from within your university to communicate the exit?

Have you prepared in-house capacity to issue and organise additional communications as may be needed?

Academic freedom and freedom of speech

Beginning/scoping partnership

What is the relationship between the state and academic institutions in-country? What will that mean practically for curricula, staff and student experience?

Are you satisfied that your contractual agreement contains appropriate clauses confirming both partners' commitment to academic freedom and freedom of speech?

Have you clearly defined the responsibilities of your university and academics, with both parties aware of their obligations?

Maintaining partnership

Are clear whistleblowing policies in place to support those who wish to report violations of academic freedom and freedom of speech, and are they publicised?

Have any legislative changes affected your partnership, and do you need to act?

Are there any notable findings from any reviews of the partnership, or any records of academics' experiences, that warrant action in relation to academic freedom or freedom of speech?

Disengaging/winding down partnership

How will existing students affected by a breach be enabled to finish their degrees in the event of the partnership ending?

Before you act, are there any context-specific or legislative factors that need consideration?

How might the decision to end the partnership on the grounds of academic freedom or freedom of speech affect other UK universities collaborating with stakeholders in the location?

Research security

Beginning/scoping partnership

What sensitive research might students have access to through their studies or lab environment, given the proposed curricula?

What safeguards are in place to ensure sensitive research does not fall into the wrong hands?

Will an export licence be needed in the university teaching or research environments?²³

Have existing resources from NSPA and RCAT been consulted?²⁴

Will any postgraduate students be visiting the UK and be required to hold an Academic Technology Approval Scheme (ATAS)? certificate before applying for a visa?²⁵

Maintaining partnership

Are relevant academics aware of the risks in the partnership, including export controls?

Is your university and your partner still operating in line with the trusted research principles agreed at the outset?

Do you need to seek any external support or advice (e.g. from the Research Collaboration and Advice Team RCAT)?

Disengaging/winding down partnership

How will IP and sensitive research be managed as the partnership ends?

Have you re-checked contractual agreements for any applicable clauses prior to exit to mitigate against any challenges?

²³ Export Control Joint Unit, Department for International Trade, and Department for Business and Trade, 'Case study: Export controls on academic research', 2021. Available at: www.gov.uk/government/case-studies/export-controls-on-academic-research

²⁴ National Protective Security Authority, 'Trusted Research', 2023. Available at: www.npsa.gov.uk/trusted-research
Cabinet Office, 'National Security and Investments Act', 2023. Available at: www.gov.uk/government/collections/national-security-and-investment-act
Research Collaboration Advice Team (RCAT), 'Corporate report: Research Collaboration Advice Team: progress made from 2022 to 2023', 2023. Available at: www.gov.uk/government/publications/research-collaboration-advice-team-progress-made-from-2022-to-2023/research-collaboration-advice-team-progress-made-from-2022-to-2023

²⁵ Foreign & Commonwealth Office and Foreign, Commonwealth & Development Office, 'Guidance Academic Technology Approval Scheme (ATAS)', 2023. Available at: www.gov.uk/guidance/academic-technology-approval-scheme

Relationship and personnel management

Beginning/scoping partnership

Has necessary consensus and confidence been built amongst relevant professional, academic and senior stakeholders?

Have you consulted other higher education institutes with similar partnerships on their experiences?

How will you communicate new partnerships to your UK-based students? Would it be beneficial to run a consultation?

Does the partner, government and/or location of operation have any conflicting values, policies or legislation that may impact your TNE partnership, particularly from an equality, diversity and inclusion perspective? Do you need to devise a related strategy?

Maintaining partnership

Do UK university staff running the partnership have sufficient local expertise and relationships in-country with relevant stakeholders in government and at the partner institution?

Have you identified any specific individuals/groups of concern since the start of the partnership, and have you raised this internally and developed an action plan?

Do you need to agree anything in writing with your partner or exercise any amendments or additional clauses to your contractual agreement to continue collaboration?

Disengaging/winding down partnership

Do exit strategies include a plan for how to navigate sensitive relationships in a culturally sensitive way?

Could you alter or refresh the partnership agreement to realise your university's ambitions?

Are there any sensitivities, ongoing disputes or conflicts of interest that you need to be aware of and/or that require special attention prior to developing or ending the partnership?

Cyber, IP and data management

Beginning/scoping partnership

How might local data protection laws in-country affect academic teaching materials and staff/student personal data?

How will you ensure data management compliance with UK and overseas laws?

Have you contractually agreed when and what IP will be kept by whom/destroyed along the way/destroyed at the end?

Maintaining partnership

Do you have cyber and data monitoring and evaluation processes in place to gather insights (such as threat frequency, type, and location of origin) on any cyber threats impacting your partnerships?

Are you successfully troubleshooting cyber threats? Do you need to take any steps to improve security?

Do you need to report in on any cyber-related challenges or any breaches to UK authorities?

Disengaging/winding down partnership

Do you need to clarify who will retain control of what data in the event of a partnership ending?

Are you prepared on a practical level to exercise contractual agreements on cyber, IP and data management at the end of the partnership?

Annex C:

Case studies

These case studies are intended to complement existing UUK case studies around security in internationalisation.²⁶

Case study 1: academic quality issues in developing TNE partnerships

A university is exploring a TNE partnership. They first have extensive conversations with other UK universities who have partnerships in the region where their potential partner operates, to get a sense of what the provincial operating environment entails.

Once initial due diligence into the partner is conducted, in-person conversations commence. High-level UK university representatives fly out to meet the partner several times and build a relationship. Discussions explore the nature and scope of the partnership.

It becomes clear through these discussions that the partner would prefer a partnership that entails a course structure and curriculum that would compromise the UK university's commitment to academic quality.

Rather than skirting around what could be a difficult conversation, the UK university decides to broach the issue directly and explain their constraints. Because of both the strength of the existing relationship and the directness and transparency of the university's approach, the partners are happy to agree to a partnership model that more closely matches the university's standard curriculum quality.

Learnings: both strong relationships and transparency around constraints are key to developing TNE partnerships. In-person visits are helpful in developing strong relationships, and these strong relationships in turn can help facilitate difficult conversations. Rather than being offended, potential partners often appreciate UK universities having red lines agreed upon and communicated up front.

Case study 2: financial management

The exploration of a new TNE partnership is being driven by a few individuals within the university who do not have significant experience of working internationally. The partnership goes ahead without a clearly defined financial model or agreed red lines about what circumstances would cause the university to withdraw from the partnership. They also do not discuss the partnership extensively with other UK universities before embarking.

As the partnership progresses, it becomes clear that the activity is not generating the income for the university that had been hoped, as many costs are falling to the UK partner without the appropriate profit margins to compensate. Because no clear financial red lines were set at the outset, it becomes difficult to know when and how the university should withdraw from the partnership.

This experience makes the university in general much more risk-averse when it considers new partnerships, even those that may be more financially viable.

Learnings: robust financial models, underpinned by significant understanding of the local partnership context, must inform any potential partnerships. Where possible, discussing these models with other universities can help sense-check assumptions. Universities should remember that any partnership will likely influence the broader institutional risk appetite.

²⁶ Universities UK International, "Case studies: how universities are managing risk in internationalisation", 2022. Available at: www.universitiesuk.ac.uk/universities-uk-international/insights-and-publications/uuki-insights/case-studies-how-universities-are

Case study 3: winding down partnerships

A joint PhD partnership in a sensitive area of research is becoming unsustainable due to the increasing geopolitical volatility between the UK and the host country. The UK university decides to end the partnership but realises this will cause considerable upset to their partner. Rather than exiting the partnership entirely, they resolve to offer an alternative arrangement to the existing partnership, in which the two universities will engage in an early career mobility scheme around a less sensitive area of research.

When broaching the topic of winding down and transforming the partnership, the UK university ensures that senior levels of leadership are engaged in the conversation to show the appropriate level of senior buy-in and respect to the partner institution.

Learning points: while it is important to realise when a partnership has become unsustainable, there may be ways to transform the partnership to reduce risk and maintain the relationship. Where transformation or ending a partnership occurs, senior level involvement and representation can help minimise damage to the relationship with the partner institution.



