

**Committee for the Economy**  
**Report on its Consideration of the Legislative Consent Memorandum**  
**on the Higher Education and Research Bill**

**Background**

1. The Higher Education and Research Bill will underpin a number of changes to the operation of the Higher Education (HE) system in England. These include reforms to the operation of the Higher Education market in England, promotion of transparency and choice, including the introduction of the Teaching Excellence Framework (TEF), and structural reforms to the organisation of how the sector is regulated.
2. The Bill was introduced in the House of Commons on 19<sup>th</sup> May 2016 and received its second reading on 19<sup>th</sup> July 2016. The provisions covered in the Legislative Consent Memorandum (LCM) [Appendix 1] were introduced as amendments at Committee Stage in September 2016.
3. The LCM covers the extension to Northern Ireland of the provisions relating to joint working and advisory services, the facilitation of applications by eligible Northern Ireland institutions to assessment under the TEF and powers to fund research in the Arts and Humanities.
4. The TEF aims to drive up the quality of teaching in the HE sector by measuring, benchmarking and reporting data drawn from existing sources. Clause 25 of the Bill provides a mechanism for the Office for Students to accept and review TEF submissions from HE providers in Northern Ireland, subject to the approval of the Minister for the Economy. This reflects and formalises the current arrangements, where the HE Funding Council for England may receive applications from eligible Northern Ireland institutions as an advisory service to the Department for the Economy.

**Committee Consideration**

5. On 13<sup>th</sup> October 2016, the Department for the Economy wrote to the Committee to inform it of the Bill and the clauses that require the legislative consent of the Northern Ireland Assembly [\[Appendix 2\]](#). The Department informed the Committee that a LCM covering this was being prepared and would be referred to the Committee for consideration.
6. The Committee wrote to HE stakeholders, asking for their views on the provisions and received five submissions, from the following bodies:
  - The Open University
  - Queen's University, Belfast
  - Ulster University

- National Union of Students-Union of Students in Ireland
- The University and College Union

Queen's University made no comments on the proposed amendments to the Bill in its submission. All of the submissions can be found at [Appendix 3](#).

7. The Committee received notification that the LCM had been laid in the Assembly Business Office on 28<sup>th</sup> October 2016. The Committee first considered the LCM and the stakeholder submissions at its meeting on 16<sup>th</sup> November 2016. The Committee also undertook an evidence session with Departmental officials on 16<sup>th</sup> November 2016 [\[Appendix 4\]](#).

### ***Joint Working and Advisory Services***

8. The University and College Union (UCU) has called for the inclusion of more robust stipulations concerning the governance structure of the Office for Students. Both UCU and the National Union of Students – Union of Students in Ireland (NCU–USI) call for proper staff and student representation on the Office for Students. NUS-USI believes that the lack of student and staff representation within government structures in the new Office for Students which will be responsible for overseeing the TEF process from 2018/19 is a significant issue.
9. The Ulster University agreed with the Department's view that this is not controversial but reflects ongoing arrangements.
10. The Open University welcomes the joint working arrangements.

### ***The Facilitation of Applications by Eligible Northern Ireland Institutions to Assessment Under the Teaching Excellence Framework***

11. The National Union of Students – UCI (NUS-USI) notes the Department's assertion that Northern Ireland exists in a sufficiently different and to some extent, unique context, meaning the role of choice and competition is effectively diminished here and asks the Committee to question the Minister's rationale for allowing institutions here to participate in TEF at all. NUS-USI asks that the Committee also seek a guarantee and commitment from the Minister that institutions here in Northern Ireland that choose to engage in TEF will not be permitted to link outcomes to tuition fee levels in any way. NUS-USI feels that the Department should conduct specific analysis regarding the consequences for institutions in Northern Ireland in regards to taking steps to diminish the negative effects of the metrics used in the TEF. NUS-USI would like to see a separate TEF panel for Northern Ireland.
12. UCU believes there are serious problems with the methodology underpinning the TEF and its implementation and opposes any link to variable tuition fees to a rating system for university

teaching. UCU would like the Northern Ireland Executive to engage in further scrutiny and debate on TEF. UCU vehemently disagrees with the Department's sentiment that the proposals are largely technical.

13. The Ulster University welcomes an arrangement that allows for the University to participate in TEF.
14. The Open University welcomes this proposal noting that Clause 25 of the bill establishes a power of the OfS to set up a scheme to rate the quality of English higher education providers as well as Welsh, Scottish and Northern Irish higher education providers. The Open University is the UK's only four nation university.

### ***Powers to Fund Research in the Arts and Humanities***

All stakeholder who provided submissions to the Committee welcomed or found no fault with this provision.

### **Committee Position**

15. Having carefully considered the proposals in the LCM, the Committee is of the view that there are some issues around the proposed amendments to the bill, contained in the LCM. The Committee believes that it is important that the Minister makes certain assurances and clarifications to respond to stakeholder concerns.
16. The Committee makes the following **recommendations**:
  - 1) That the Minister for the Economy seeks to address the concerns highlighted by the Open University around the need for the Bill to work for learners of all ages, and for all modes of study;
  - 2) That the Minister for the Economy reflects on the concerns expressed by the NUS-USI and UCU around issues of representation on the Board of, and governance structure of, the Office for Students;
  - 3) That the Minister for the Economy provides assurances that the participation of local Higher Education Institutions in the Teaching Excellence Framework will not lead to award outcomes being linked to tuition fee levels;
  - 4) That the Minister for the Economy ensures that the metrics used in the measurement of teaching excellence are appropriate for local Higher Education Institutions, and that the Minister considers seeking an element of peer review in the measurement; and
  - 5) That the Minister for the Economy may wish to consider seeking a separate TEF panel for Northern Ireland to ensure the integrity of the devolved status Higher Education policy.

17. Therefore, Committee supports the Department for the Economy in seeking the Assembly's endorsement of the Legislative Consent Motion, subject to the caveats outlined in the recommendations above:

***“That this Assembly endorses in principle the extension to Northern Ireland of the provisions of the Higher Education and Research Bill relating to joint working and advisory services, the Teaching Excellence Framework and powers to fund research.”***

**List of Appendices:**

***Appendix 1*** – LCM

***Appendix 2*** – Departmental correspondence

***Appendix 3*** – HE stakeholder submissions to the Committee

***Appendix 4*** – Official Report 16<sup>th</sup> November 2016