

## Open University<sup>1</sup> Submission (30 August 2016)

Commons Public Bill Committee on the Higher Education and Research Bill

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### EXECUTIVE SUMMARY

1. The Open University (OU) welcomes the opportunity to submit written evidence to the Public Bill Committee on the Higher Education and Research Bill.
2. The Bill brings reforms of a scale and scope not seen since the Further and Higher Education Act 1992. It is essential that these far reaching proposals are not developed solely through the policy lens of 18 year old students entering higher education for the first time. Urgent and continuing reskilling and upskilling of the adult workforce are essential for future prosperity, especially in the context of longer working lives.
3. We urge members of the Committee to examine every part of the Bill to make sure it works for learners of all ages, and for those who need more flexible study options like part-time or distance learning as well as for those who choose full-time. For the Bill to be consistent with the Government's vision for an inclusive and diverse higher education sector, there must be no element that inadvertently excludes any type of provision or student.
4. We accept the Bill is not expressly written with young full-time students and traditional universities in mind. Nevertheless we believe the wider scope could be more explicit in certain places. We believe the best objectives for public policy will be achieved if this is clear. The recommendations we make here would strengthen the Bill's role in facilitating development of a more inclusive and diverse higher education sector that offers the flexibility and support which students of all ages and from all backgrounds need.
5. The OU suggests amendments to Part 1 of the Bill to:
  - Make the Bill more inclusive of different types of provision
  - Increase the importance of a diverse student population
  - Clarify the definition of higher education provider
  - Widen options for data provision and,
  - Clarify validation elements, with restriction of the Office for Students' validation powers.

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6. In addition, we provide the Committee with factual information on higher education validation which we hope may be of value in scrutiny of Clauses 46-50 (see Annex 1).
7. We have far more students than any other British university and operate across all four nations of the UK. We also have the largest proportion of part-time students in England (a growing proportion), and over 8,000 students studying remotely from outside the UK – a market we are determined to grow. Given our four-nation reach, the size and diversity of our student body, our part-time market share and our expertise in validation, we would be grateful for the opportunity to give oral evidence to the Committee – to explore the arguments and issues raised here and to answer questions on matters included in our submission and wider subjects related to the Bill.

## INTRODUCTION

### *The importance of part-time higher education*

8. In 2014/15, one in four higher education students in the UK studies part-time<sup>2</sup>.
9. A prosperous part-time higher education market is essential, now more than ever, to address the challenges and opportunities which lie ahead to deliver economic growth and raise national productivity by closing skills gaps, and to increase social mobility. This is because:
  - Only 13% of 9.5 million people in the UK who are considering higher education in the next five years are school leavers – the majority are working adults<sup>3</sup>. Up to 90% of the current workforce will still be in work in the next decade<sup>4</sup>. Over the next ten years there will be 13 million vacancies, but only 7 million school leavers to fill them<sup>5</sup>;
  - It is a cost effective way of raising skills levels and training so people can earn and learn – as do 75% of OU students. The benefits are also felt immediately, from the first day of study, by the individual as well as the employer;
  - One in five undergraduate entrants in England from low participation neighbourhoods chooses or has no option but to study part-time (22%), and 38% of all undergraduate students from disadvantaged groups are mature students.
10. It is essential that these far reaching proposals are not developed solely through the policy lens of an 18 year old student entering higher education for the first time. Reskilling and upskilling the adult workforce are essential. Economic success in the coming years depends on embedding a lifelong learning and training culture which rests on three co-equal pillars: the highest quality further education and higher education (undergraduate and postgraduate) after leaving compulsory full-time education, the highest quality apprenticeships for all and flexible lifetime learning opportunities.

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<sup>2</sup> Higher Education Statistics Agency, published January 2016

<sup>3</sup> Open University UK Market Survey, 2013

<sup>4</sup> UK Commission for Education and Skills (UKCES), November 2014, [Growth through People](#)

<sup>5</sup> Government Office for Science, [Future manufacturing: implications of an ageing society](#), 30 October 2013

11. Part-time study is often the way people from disadvantaged backgrounds or places enter higher education. In 2015/16, almost one in five of all new OU undergraduate students were from a low socio-economic status background – that is, they came from the most deprived 20% of neighbourhoods across the UK, and had no previous higher education qualifications.

#### *Background on the part-time higher education sector in England*

12. The number of part-time students continues to decline. Data from the Higher Education Statistics Agency (HESA) published in January showed that in England there were 58% fewer students starting part-time study in 2014/15 than in 2009/10. This equates to an almost 40% drop in the market, though the OU continues to be the largest provider, and with a growing share of the market.

13. This decline is of particular concern in relation to widening participation to higher education from students with disadvantaged backgrounds. The Bill's Equality Analysis references the 'dramatic improvement' in the participation rate of disadvantaged young people (page 9), but omits that this has not been seen for mature students, most of whom can only study part-time.

14. We welcome the initiatives set in train by ministers to boost access to the loan book for part-time learners as well as first steps to relax policies, such as Equivalent or Lower Qualifications (ELQ) exclusion from funding, which dissuade adults from study. It is too early to know what impact these initiatives will have.

15. Since it began in 1969, the OU has taught almost 2 million students and has proved that it is possible to combine enormous scale and exceptional quality whilst expanding access to higher education and hence raising workforce skills. The OU is also a world leader in online learning, and a pioneer of innovative teaching and learning methods. The OU sees the Bill as one of a set of further opportunities to regrow the market.

#### **AMENDMENTS TO MAKE THE BILL MORE INCLUSIVE OF DIFFERENT TYPES OF PROVISION**

16. There are opportunities within the Bill to give more explicit reference to the different modes of higher education provision and different types of student. Both the White Paper, *Success as a Knowledge Economy*, and the Teaching Excellence Framework (TEF) Technical Consultation on TEF Year Two are explicit in this area.

17. We recommend an express commitment to all forms of higher education in the proposed general duties of the Office for Students (OfS) to 'promote quality, and greater choice and opportunities for students, in the provision of higher education by English higher education providers' (Clause 2 (1) (a)). The wording here should in our view be amended, to be consistent with that used in the TEF Technical Consultation<sup>6</sup>, as follows:

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<sup>6</sup> Teaching Excellence, Framework – Technical Consultation for Year Two, May 2016, paragraph 35, page 13

**'promote quality, and greater choice and opportunities for all students, irrespective of whether they are studying full-time, part-time, at a distance, in the workplace, or any combination of methods, in the provision of higher education by higher education providers in England'**

18. There is also an opportunity to make it clearer that the membership all key boards and committees should reflect the full range of different types of higher education provider. The membership of the Board of the OfS (Schedule 1, section 2 (2) (g)) should in our view be amended to:

**2 (2) (g) 'a broad range of the different types of higher education providers in England, including those offering part-time and distance learning'**

19. We suggest a similar amendment for the Quality Assessment Committee membership. Clause 24 (4) could be strengthened as follows:

**24 (4) 'The majority of the members of the Committee must be individuals who appear to the OfS to have experience of providing higher education on behalf of a higher education provider in England or being responsible for the provision of higher education by such a provider, and the collective experience of the members must span a broad range of the different types of higher education providers in England, including those offering part-time and distance learning.'**

20. To reflect and respond to the full and increasing diversity of higher education students and providers in England, it would be helpful to amend Clause 59 (Duty to publish English higher education information), as follows:

- Clause 59 (5) 'When determining what information should be published, and when, **where** and how it should be published' ...
- Clause 59 (5) (b) '**all people, whatever their age or individual circumstances,** thinking about undertaking such courses'

21. These changes would lead to a more balanced distribution of effort in communication of higher education information to prospective students, for example including prospective adult students as well as those leaving school. The former are a very diverse group and this needs to be reflected in the mechanisms for reaching them.

## **AMENDMENTS TO ASSIST IN MAKING SURE HIGHER EDUCATION CATERS FOR THE MOST DIVERSE STUDENT POPULATION**

22. The Bill contains an important driver for a more diverse student population in England. Indeed, Clause 2, on the general duties of the OfS, lays out in Clause 2 (1) (d) 'the need to promote **equality of opportunity** in connection with access to and participation in higher education provided by English higher education providers'.

23. In this regard, we strongly welcome the transparency condition in Clause 9 of the Bill but believe strongly that it could go further. Currently the Bill only requires provision and publication of student applications, offers, acceptances and completions by **gender, ethnicity and socio-economic background**.
24. This same restricted focus is also seen in the plans for the TEF. Though the White Paper sets out the commitment to have widening participation embedded throughout the TEF, the requirements expressed in the Technical Consultation for TEF Year 2 are similarly limited. The consultation states that, as part of their commitment to widening participation and fair access, providers without an existing Access Agreement are expected to publish data on application, acceptance and progression rates of students, again broken down by **gender, ethnicity and socio-economic background**.
25. A valuable driver in achieving faster and greater progress on student diversity across the higher education sector in England would be to extend the list of characteristics included in Clause 9 (2) (b) (gender, ethnicity and socio-economic background) also to include:
- iv. disability
  - v. age
  - vi. religion and belief
  - vii. sexual orientation, and
  - viii. gender identity
26. The Higher Education Statistics Agency already collects data on all of the above, from both publicly funded institutions and Alternative Providers, so there would be no additional administrative burden on providers in terms of data provision. We believe this widening of scope, beyond the current three characteristics, is absolutely imperative.
27. There is one further point on Clause 9 (2). The wording here could be clearer. As currently worded, it could be interpreted that breakdowns by gender, ethnic and socio-economic background are only required for applications and not for offers, acceptances and completions. Assuming this is not the intention, it should be made clear beyond doubt that such breakdowns of the data are also required for (c) offers, (d) acceptances and (e) completions.

## **AMENDMENTS TO CLARIFY PROVIDER DEFINITION**

28. Clause 75 (Meaning of “English higher education provider” etc.) should be revised so that providers which operate in other UK nations as well as England, such as The Open University, are not excluded. ‘English higher education provider’ in Clause 75 (1) should be amended to ‘higher education provider in England’ to address this issue.
29. This also needs to be addressed in other parts of the Bill, including Clause 2 (1), Clause 14 (4) and Clause 24 (4).

## AMENDMENTS TO WIDEN OPTIONS FOR DATA PROVISION

30. The framework of the Bill should allow for the option of more than one information/data provider in the future. Changing ‘body’ to ‘bodies’ in clauses 59, 60, 61, 71 and 72 would give the necessary flexibility here. Information from part-time institutions such as the OU is not fully covered by UCAS and organisations other than UCAS may be best qualified to be the information/data provider for such institutions and potentially other institutions.

## AMENDMENTS TO CLARIFY VALIDATION ELEMENTS

31. We fully support a risk-based approach to the granting of degree awarding powers, yet it is important that the new system does not create unnecessary risk for students and that quality is maintained. Expertise in validation lies in the objective and impartial appraisal of an institution’s capacity to deliver and maintain appropriate standards of quality and student experience. We provide in Annex 1 of this submission information on validation that may be of help to the Committee when considering clauses 46 – 50.

32. We endorse Clause 46 (Validation by authorised providers) with one modification. Based on our twenty-year experience of validation, there may be good reason why an approval/validation could not go ahead, for example if there were quality failures or no appropriate teaching staff. As such, there is a need to amend 46 (3) as follows:

‘Commissioning arrangements may not require a provider to offer to enter into validation arrangements that the provider is not authorised to enter into **or validation arrangements where the other registered provider is unable to demonstrate that it meets the requirements for validation.**’

33. Clause 47 (Validation by the OfS) seems to be unnecessary. The OfS will not have any awards itself and as such cannot enter into a validation arrangement itself. Instead, the OfS could only approve a provider to offer the provider’s own awards which would effectively give the provider taught degree awarding powers. Clause 47 (4) seems to deal with the issue already covered in 46 (i.e. that the OfS could authorise another provider to validate). If Clause 47 was removed then Clause 48 (Sections 40 to 47: consequential amendments) would need to change.

## ANNEX 1 – VALIDATION

### Validation at the OU

35. The OU has over 20 years of validation experience, nationally and internationally, having taken on the Council for National Academic Awards role in 1992. We have a reputation for a platinum level service in supporting partners, particularly in helping institutions to apply for and acquire Taught Degree Awarding Powers. We take the view that validation is a means of widening access and increasing diversity of opportunity and are very supportive of new entrants in both the public further education colleges and private sectors.
36. Our processes are designed to protect students and the reputation of the UK's higher education and to provide a cost-effective, transparent and developmental service which gives high levels of autonomy, leading to independence if required. Our risk-based approach makes sure that potential partners can meet the standards required so that there is parity with direct provision; on occasion this has meant rejecting applicants where the cost of managing compliance is likely to be too high and where our preferred approach, of equal partnership, is unlikely to come to fruition.
37. We have a number of private and niche providers in our validation portfolio which have welcomed our support and encouragement but also recognise that they have needed that support.

### A pilot project between the OU, the QAA and Independent Higher Education

38. The Green Paper *Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice* highlighted the need to remove significant barriers to entry, diversity and innovation in higher education provision in relation to providers seeking validating partners. One option to enable this is the creation of a centralised validation body which, by operating in a more transparent and consistent way, would provide a validation approach which promotes these values and in particular removes the barriers preventing alternative providers from entering the sector.
39. In addition, an alignment of the regulator and partner roles within validation would benefit the sector by removing duplication and thereby the time taken to obtain approval for providers and the cost of validation.
40. The OU, QAA and Independent Higher Education (formerly Study UK) are undertaking a pilot project to test a model for streamlining the current validation processes. The starting point has been to consider the key aspects of current validation practice that have been identified by Independent Higher Education as barriers to success for alternative providers. The pilot project is developing a model of validation partnership which would remove those barriers. The pilot's participants include further education colleges seeking validation as well as alternative providers – the aim being to make sure the model could operate across higher education and also benefit other providers such as further education colleges.
41. The pilot aims to develop a model that ensures:

- Greater harmonisation of documentation between validating universities and greater alignment between the documentary requirements of validating universities and QAA Higher Education Review (HER) and HER for Alternative Providers.
- Greater trust between validating universities and QAA/the Regulator.
- More efficient and transparent processes for establishing a relationship with a validator.
- A more open competitive system that minimises behaviours which create barriers for entry to providers.
- Best practice for contractual arrangements that ensures institutional-level consistency of approach to validation arrangements.
- Clarity and transparency of validation costs.
- Better relationship management and support.
- A model that allows increased autonomy for providers as they mature.
- Support for alternative delivery models including accelerated degrees.
- A greater emphasis on real partnerships between universities and further education colleges or alternative providers.

42. It is essential that any model proposed for validation considers reputation management and risk so as not to undermine the current faith in, and credibility of, the validation process. The model developed will ensure robust safeguards and mitigate potential risks to reputation.