



## **UCU Northern Ireland submission to the Committee for the Economy legislative consent motion relating to the Higher Education and Research Bill**

The University and College Union (UCU) is the largest trade union in the post-16 education sector in the UK, representing over 110,000 academic and related members across the UK. The UCU is the only organization that represents academic and academic related staff working in Higher Education in Northern Ireland.

The success of the HE sector derives solely from those who work in it, delivering teaching, research, innovation and leadership. It is therefore disappointing that the Committee did not consider the opinion of the staff affected by the Bill important enough to seek a view. The UCU notes that details of this consultation were not published on either the Department's or the Assembly's website and input appears to have been sought by exclusive invitation only. The UCU does not believe this is an appropriate or transparent method for conducting consultation about changes to primary legislation. The clandestine nature of this consultation has excluded the UCU, a crucial stakeholder in the sector, and in so doing reveals a worrying attitude towards engagement with the labour movement. The UCU understands the only union invited to respond is the NUS-USI. The UCU calls upon the Committee to revisit the timeframe for this consultation and advertise it in the normal way to allow all interested parties potentially affected by the legislative amendment to have their say.

At a UK level the UCU has been prominent in opposing the Higher Education and Research Bill, which proposes significant changes to the regulatory and financial framework of UK higher education. The UCU is concerned that the UK government's stated aim to improve quality of, and access to, higher education in the interests of students will not be realised by the bill.

Following the 23 June 2016 vote for the UK to leave the EU, and the high level of uncertainty which this is already causing higher education institutions, the UCU has called for the Bill to be halted. We believe the UK government should commission an immediate independent inquiry into how, following the EU referendum result, we can

ensure that UK colleges and universities remain at the forefront of cutting edge research open to staff and students from around the world. In circumstances where the future of EU funded projects within higher education is uncertain, the UCU believes the N.I. Executive must reject moves to introduce a system that will potentially pit the universities against each other to plug funding gaps.

The LCM seeks to allow Northern Ireland HEIs to:

1. Participate in joint working across UK funding councils.
2. The facilitation of applications by eligible NI institutions to assessment under the Teaching Excellence Framework (TEF).
3. Powers to fund research in the arts and humanities.

### **Joint working across funding councils**

The UCU agrees that the terms expressed in the LCM regarding joint working of funding councils is the legal expression of how the system currently operates. However, we urge the Northern Ireland Executive to support our calls for the inclusion of more robust stipulations concerning the governance structure of the Office for Students, including proper staff and student representation on that body.

### **Participation of N.I. institutions in the Teaching Excellence Framework (TEF)**

The UCU believes there are serious problems with the methodology underpinning the Teaching Excellence Framework and its implementation. We fundamentally oppose the UK government's plans to link variable tuition fees to a rating system for university teaching that is outlined in the Bill.

The UCU is concerned that the system for TEF detailing how institutions will achieve the "high level rating" described in the Westminster Bill is:

1. Based on flawed metrics (accepted by the UK government as useful guides to quality, despite an extensive range of research and professional critiques which challenge that view)
2. Likely to be unhelpful in failing to address many of the workforce issues which impact on quality in universities; and
3. Likely to encourage institutions to "dumb down" course content and/or inflate grades to encourage positive student ratings, thus producing less resilient and capable graduates.
4. Likely to dissuade universities from the widening participation agenda – students from non-traditional backgrounds have higher drop-out rates than those from wealthy families.
5. Fails to take account of already stretched resources. Currently Queen's has a student staff ratio of 15.1 and Ulster 17.1. These are well above the levels obtaining in other research intensive universities. DEL reported on HE funding in Northern Ireland earlier this year noting by 2014/5 across the vast majority

of subjects, NI's universities were receiving approximately between £900 and £2,500 less resource per full-time undergraduate student compared to their English counterparts and between £600 and £1,300 less compared to their Scottish counterparts.

6. Not subject to adequate parliamentary scrutiny at Westminster let alone in the Northern Ireland Assembly.

The supposed intention of the TEF is to create a comparable quality assessment system for teaching akin to that of research under the REF. The UK government believes this will spotlight both poor and exceptional teaching, and give students the opportunity to make informed choice about institution and course of study. It is proposed that institutions will be reviewed by expert panels comprising academics, students and employers who will measure teaching quality by such proxy metrics as student satisfaction surveys, retention and post-graduate employment income.

The UCU believes such measurement criteria cannot provide a reliable quality assessment of teaching because it ignores salient contextual factors affecting success rates that are not directly related to teaching. For example, poor course retention and satisfaction rates may be reflective of over ambitious recruitment, or that a particular course compromises difficult and challenging material. Research has shown that student satisfaction levels are higher when the course of study is less complex and the student effectively learns less (Poropot 2014).

There is a wealth of research from both sides of the Atlantic which confirms that even when carefully thought out and uniformly distributed and collected, student evaluations are prone to reflecting gender bias and produce disproportionately harsh results for ethnic and racial minorities, particularly for teaching staff who do not speak English as their first language. The UCU is already battling the effects of student satisfaction surveys being used erroneously in performance management of staff at QUB. It has not driven up standards, serving only to sour employment relations and impact negatively on staff morale as ever unrealistic targets are placed upon individual academics.

The UCU supports a system of quality assessment based on peer review rather than abstract quantitative measures which by their very nature cannot account for context.

The UCU is further concerned that the employment model used in universities relies extensively on temporary teaching, and believes that this has a direct impact on quality which is not addressed by the TEF. Despite the best efforts of many excellent temporary teachers, the current situation is not sustainable. Job insecurity impacts on the quality of the student learning experience, for example by limiting the time teachers can spend on the marking and assessment process, and because staff on casual contracts have less access to professional development.

For all of the reasons outlined above, the TEF is not an appropriate method for quality control or for determining funding allocation. The UCU will vigorously oppose any attempt by the N.I. Executive to use TEF as a justification for removing the current tuition fee cap.

It is disappointing that the N.I. Executive is trialing TEF by the back door prior to engaging in effective scrutiny and debate as to whether the process can be considered credible or desirable. The UCU therefore cannot consider the clauses in the LCM to be "enabling" in any positive sense and we believe the Executive should be acting to halt the adoption of a fundamentally flawed system from being uncritically accepted and implemented in Northern Ireland. The TEF is a highly contentious strategy that should have been subject to proper inquiry prior to Ministerial blessing. We do not agree with the sentiment expressed in the briefing document that what is proposed here is a largely technical amendment; rather it is a controversial political choice.

The UCU further believes support for the TEF is contradictory to the position outlined at point 17 in the briefing document. It is rightly highlighted that student choices in Northern Ireland are *"made on the basis of course availability and institutional reputation, and the system which we have already offers clear enough choices on that basis."*

By allowing N.I. universities to participate in the TEF it is encouraging a policy direction promoting the marketisation of higher education whereby institutions become units of competition in unhelpful league tables. The UCU believes this must be opposed.

### **Powers to fund research**

The UCU has no difficulty with the suggested amendment concerning arts and humanities research funding.

**8th November 2016**