

## CONSULTATION RESPONSE

### Office for Students consultation: *Simplifying Access to the Market: Degree Awarding Powers and University Title*

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Question 1: Do you agree or disagree that the OfS should consider applications for New DAPs for research awards from providers without a three-year track record of delivering higher education in England?

Disagree. The provision of research degrees requires a highly complex level of organisation and expertise. We believe that certain levels of infrastructure and practice must be in place before a provider is ready to award research degrees. This is why we believe it is imperative that providers have a history of at least three years of provision before being able to apply for RDAP. This track record should be clearly demonstrable for those who are seeking RDAPs, and should be proven to meet the level of standards that are expected of current providers of research degrees.

Question 2: (With reference to question 1) Are there particular circumstances where authorisations of this type would be appropriate? If so what are they?

We refer to our answer to question 1 here. We do not believe that there are particular circumstances where such authorisations are appropriate.

Question 3 Do you have any comments on the proposed New DAPs test and associated processes? In particular, do you think these tests and processes provide appropriate safeguards whilst enabling high quality new providers to access DAPs?

MillionPlus has some concern as to whether the proposed model for the tests and processes for new providers ensures appropriate levels of safeguarding. The test and associated processes do not seem rigorous when compared to existing standards of entry for new degree awarding powers. The proposed model favours a quick entry for new DAPs, seeking to “*open up the market to quality new providers*”.

As a result, it appears that safeguarding will be established as part of an ongoing process during the probationary period, rather than in a preventative manner. This risks lowering the bar across the sector with regards to the standards of entry. When changes were made in the past to the rules governing degree-awarding powers, new providers were always expected to meet the same levels of quality and standards as existing providers.

This change in the regulatory framework appears to represent a shift in the sector from an expectation of certain standards towards an expectation that new providers will work towards given standards of quality and provision whilst inside the sector.

Moreover, it seems that under the proposed model, the probationary plans that are drawn up by new providers will serve as the basis for their own evaluation during the probationary period. We would argue that new providers are likely to present a greater risk to begin with, and should be the focus of enhanced scrutiny from an early stage.

Question 4: Do you consider the proposals for monitoring a provider with New DAPs during the probationary period to be adequate and appropriate?

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The document implies that the first year of the probationary period will be primarily "... concerned with the articulation of plans, policies and processes" (page 25). It is assumed that there is no evidence-based evaluation during this year. One can interpret this as a sort of "bedding-in" phase where providers have some flexibility to find what works for them. If this is the case, there is a worry that there will not be an adequate level of monitoring in the initial period.

The danger is that new providers are given a free reign to experiment with DAP without proper evaluation or assessment. This could lead to weak provision from new providers in the initial stages of their probationary period, which could cause undue harm to many students' learning experience. From a broader perspective, this also risks creating a sector with multiple new providers in their probationary period who are under little or no assessment. Consequently, there is a danger that the perception of quality provision in UK Higher Education would be compromised, damaging the international reputation of the sector.

**Question 5: Do you agree with the proposals for the OfS and providers to best ensure that students are aware of what type of degree awarding powers, including New DAPs, a provider has? If you think there should be additional information requirements, please give details.**

NDAPs should arguably have to declare years of experience, or lack of, as a provider. This would be done for the sake of transparency and to enhance students' awareness of the levels of risk that may be associated with providers in the early stages of their provision. There should also arguably be a clear message showing the levels of award that the provider can offer. If student choice and market information is to be emphasised, then new providers need to declare information that enables those choices to be made. For example, it seems right that potential students should be able to access information about ownership structures of new providers, or on other markets in which the provider operates.

**Question 6: Do you agree or disagree with the suggested change regarding the possible variation of the level 6 TDAPs criterion?**

We would welcome extra consideration being given to those who do not have a majority of students on level 6 courses. Employers across the country often report a gap in skills at levels 4 and 5. In order to address this skills gap, it is vital that providers offer courses at these levels. For many individuals wishing to re-skill or up-skill as adults (i.e. potential mature students), 3 or 4-year full-time degrees are often not a realistic commitment. This is due to the fact that many potential mature students are more likely to have other commitments that they must balance alongside their study, both financial and personal (childcare or other caring commitments, mortgages and other financial commitments, existing work commitments etc.).

Extra considerations for providers that have high percentages of non-level 6 students is important, as it helps to foster a sector that can respond to the needs of both students and employers. This approach would also display an acknowledgement of the full range of Higher Education providers across the UK, some of whom offer a range of level 4, 5 and 6 courses due to their institutional history and geographical location.

**Question 7: If the 50 per cent criterion is to be disapplied in some exceptional cases, what factors do you think the OfS should take into account when determining whether an application is an exceptional case?**

The OfS should take into account the extent to which level 4 and 5 courses are a response to employer need, or more generally a skills shortage in the country. We also refer to our answer to question 6 here to suggest that considerations could also be made to the number and proportion of part-time and mature students. The OfS should also take into account the extent to which the provision of courses works with, or brings benefits to, local business and communities.

Question 8: Do the application processes for DAPs as set out above sufficiently align with the registration processes and conditions?

Notwithstanding the objections we note to these proposals in our responses to consultation questions, the processes as stated are aligned.

Question 9: Do you agree or disagree that for providers that have obtained DAPs on an exceptional basis without having the majority of higher education students at level 6 or above (as proposed in question 6), the 55 per cent criterion for University Title should be adjusted to additionally require the majority of higher education students to be on courses at level 6 or above?

If the proposal in question 6 is carried forward, then there is a logic to review this criterion. However, we do not agree that lowering the proportion of level 6 students is the right approach. Being granted university title is significant and confers considerable benefits on a provider, including in terms of status and reputation. It is also true that degree-level provision is vital when defining a university. Lowering the criterion to only 50% of students on courses at level 6 or above would mean that providers could be granted university title with the same proportion of non-degree level provision as degree level provision. This would seem to us to be a downgrading of what it means to be a university. To be conferred university title a provider should be offering a clear majority of its provision at degree level, not just 'significant amounts' of provision as stated in the proposal. If implemented, this has the potential to undermine the international reputation of the UK university system.

Question 10: Do you agree or disagree that student numbers, for the purposes of the 55 per cent criterion for University Title set out above, should be calculated based on the intensity of study, disregarding the mode of study? Please give reasons for your views.

MillionPlus disagrees with this approach and would need more information on how intensity of study will be calculated, since it does not appear clearly defined in the document. UK Higher Education has been lauded for fostering a unique independent learning style, which has been refined over years' work by institutions and collectively improved by sharing best practice across the sector. The intensity of study of individual students involve a broad range of different factors, and cannot be adequately captured by a simple quantitative measurement of the number of hours spent in a lab or seminar room. It is therefore questionable whether measures of intensity of study can properly account for the full learning experience. Consequently, it is very important how the intensity of study is calculated if it is to be used as a metric to assess universities. We would not advocate using an assessment that uses contact hours as one of its principal metrics.

Adding to this, we would caution the proposal to disregard the mode of study in any such calculations. Part-time students make up a vital component of the student populations at Modern Universities. The style of engagement and study of these students often varies significantly from their full-time counterparts. Ignoring distinctions between different modes of study risks discouraging new or existing providers from maximizing their flexibility to part-time study. When you consider that since 2011/12, there has been a 59% drop in part-time numbers, it seems most important to ensure that providers stay open and flexible to part-time study. We do not support completely disregarding mode of study when making assessments such as those outlined in question 10.

Question 11: Do you have any views on how students on accelerated courses should be taken into account, when calculating the percentage of Higher Education students at a provider? Should these students be counted as 1 FTE, or more?

MillionPlus has supported the expansion of accelerated degrees in the sector, since they can be viewed as a response to the needs of many potential students who may be put off by three years of study. Many potential mature students will have existing commitments (family, work, financial) that make three years of full time study an impossible commitment. Because of the importance of this, universities should not be penalised, or put at a disadvantage, because they have high numbers of students on accelerated degrees.

For purely financial matters, it would seem appropriate to consider some students as more than FTE. For example, a student studying a 2-year degree with the same overall tuition fee cost as a standard 3-year degree could be classed as 1.5. But for other matters, such as calculations for registration fees and other measurements that look at the size of universities through student numbers, it would make much more sense to count these students as 1 FTE.

**Question 12: Do you agree with this assessment of the factors that should be set out in Secretary of State guidance to which the OfS must have regard to when determining applications for University Title? If you disagree, please give reasons. If you believe any additional factors should be included, please indicate what these are with reasons**

We agree with the conditions outlined in the document, providing that the framework of assessment for terms such as “quality, financial sustainability and governance” (page 47) are consistent with what currently applies. We would be opposed to any proposals which can be seen to lower the standards expected for an application for university title. We believe that the track record of provision, and evidence of an ability to work within a quality standards framework, should be taken into account.

In addition to this, factors to include would be a commitment to the local region of the university and/or an explanation of how, as a university, the provider will benefit business or the communities that surround it. This could be demonstrated by how this has been done pre-University Title and how this title will help increase its capacity to do so.

**Question 13: Do you agree or disagree with this proposal of implementing the statutory provisions that allow for the revocation of DAPs and University Title and the variation of DAPs**

This is an area where the OfS will need to apply differing levels of judgement.

DAPs are “ring-fenced” within institutions so they cannot be transferred. When a change of circumstances occurs, the provider in its new state must apply for DAP. This would be particularly applicable to takeovers, acquisitions and so on that may happen in a more marketized system. In these circumstances, the OfS would be right to look closely at the new owner and require them to revisit the registration process.

However, there are other times when the structures of institutions change because it is in the best interests of students or the local economy. The changes in provision following area based reviews is one such example. In these circumstances, the OfS should work closely with the providers concerned to ensure that there are no unintended consequences that would harm the interests of students – for example if further and higher education providers were to merge and the outcome is a loss of DAPs and/or university title. There are particular examples currently where the Department for Education is encouraging universities to work closer with further education colleges – whether as full takeovers or mergers, or looser federations. The OfS should take a key role in the future to work with all providers concerned to ensure that the new arrangements are in the best interests of students.

**Question 14: Do you consider the above proposals regarding a change in circumstances to be sufficiently robust to safeguard the meaning and value of DAPs and University Title?**

It is questionable whether the proposals fully take into account the nature of some providers within the sector who offer a range of courses at different levels. This can be down to the specific geography or regional dynamics e.g. sparsely populated areas needing overarching educational infrastructure or the FE roots of certain regional institutions. Therefore, if certain providers are just past the required threshold of a) level 6 students or b) HE students but have provided quality academic provision for many years, it would be unfair to punish them for a marginal change caused by mergers/acquisitions. Such changes of circumstance could stand to benefit the whole of the student body through a pooling of resources and income, and could also be a response to the needs of the local economy.

**Question 15: Do you have any comments on the proposed DAPs criteria as set out in Annex A? Are there specific aspects of the criteria that you feel should be adjusted in light of the OfS's overall regulatory approach, in particular ongoing registration conditions?**

We have no further comments to make in response to this question, and would refer to our responses to other parts of this consultation.

**Question 16: Do you have any comments on the proposals for the assessment of applications for subject specific and Bachelors only DAPs? Are there specific aspects of the criteria that you feel would either be particularly relevant or not relevant for either of these types of DAPs?**

We do not believe that any special consideration should be given to subject specific providers with regards to the regulatory framework. This is because, in keeping with our previous position, we believe university should be an all-encompassing experience that exposes students to a broad educational setting. Students' university experience is enhanced when they are embedded on a campus that reflects a range of academic fields and learning styles. For many years, modern universities have successfully provided rich and diverse programmes of study that have allowed students to engage with others on campus who are studying quite different subjects from their own. Allowing special considerations for subject-specific providers would therefore risk disincentivising a more holistic approach amongst those aspiring to university title.

**Question 17: Do you have any comments on how a subject should be defined for the purpose of subject specific DAPs?**

In light of our objection to the proposal for subject-specific DAPs we have no comment on definitions.