

## HIGHER EDUCATION AND RESEARCH BILL

### BRIEFING FOR MEMBERS OF PARLIAMENT

*The Higher Education and Research Bill represents a significant and vital change in the way higher education is regulated in England. For the first time the Government will have a legislated mandate to regulate those providers they do not directly fund, and create a system ensuring that all meet the same standards. For the over 700<sup>1</sup> independent providers already operating in the UK, this Bill is a culmination of years of campaigning for a single system which enables providers to prove their merit, and their students to have access to information, funding and opportunities equal to those who attend traditional universities.*

### ABOUT INDEPENDENT HIGHER EDUCATION

Independent Higher Education (Independent HE) is the membership organisation and national representative body for independent providers of higher education, professional training and pathways. Our 100+ members offer diverse provision which includes university-validated higher education, industry-specialist vocational education, HE foundation/access courses, and study abroad programmes. Independent HE was first established in 2008 under its previous name Study UK.

### A SINGLE SYSTEM FOR REGISTRATION

The UK does not yet have a coherent model of quality regulation to assure students, parents and employers of the student experience or value of specific higher education. While publicly funded universities sit in one system, independent providers navigate a complex quality landscape of up to four intensive annual assurance processes. The Registration system will recognise and reward all provision regardless of current funding model, while ensuring that Government can effectively manage both the funding and reputation of English HE. The private/public distinction is no longer relevant to students who pay for their course wherever they study, particularly as independent providers may offer greater value for money through an enhanced student experience or by controlling the level of fees charged.

Some independent colleges are subject to a complex network of four or more quality assurance processes (with significant overlap), but are prevented from establishing their quality and low-risk status through the same systems as universities. Other colleges receive minimal or no regulation at all, as they can opt out of engaging with many quality processes. Registration will ensure that these colleges can no longer use the reputation of UK higher education as a brand to attract students without guaranteeing that the quality of their provision meets the expected standard.

Colleges who engage fully with the process will for the first time be able to establish their risk within the system. Many will prove that the quality of their provision matches or exceeds what is available in the publicly funded sector, and will therefore benefit from registration conditions which are proportionate. This is vital as many independent providers are small, specialist, industry-focused colleges who must spread the cost burden of regulation across far fewer students than a large university. Reduced burden will ensure that more student funding is directed to the student experience.

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<sup>1</sup> IFF Research on behalf of BIS: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524453/he-alternative-providers-2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524453/he-alternative-providers-2014.pdf)

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### **Student Case Study – Ruth Lyons**

*Ruth is a first year student at New College of the Humanities (NCH), studying Philosophy with International Relations and Politics as part of NCH's degree model which encourages students to range beyond traditional subject boundaries. She also takes the NCH Diploma with Creative Writing and the NCH Professional Programme.*

*Ruth registered on a history course at one of the largest Russell Group universities. In her first term she submitted only three essays as part of her course work and felt she wasn't engaging with the subject enough to warrant her £9000 fees. At risk of dropping out, she looked for a different course but the only public information available showed her more of the same: courses with minimal contact time and few assessments to test her understanding.*

*She found NCH, but with only their website to use to evaluate the course offered, she was unsure how to confirm her degree would be value for money. Knowing a degree would be vital for her future career options she enrolled in NCH hoping to find a different model. She has just completed her first year and feels the personal attention, innovative programme and additional academic and careers support are just what she was looking for. Ruth feels strongly that students should be informed about all the higher education options available, not just from universities.*

*"Studying A Levels you get only limited information on where to go for a degree, and it all looks the same. If there had been a system where I could compare colleges like NCH to the universities my careers advisor encouraged me to go to, I wouldn't have wasted a year somewhere that just wasn't right for me. I would have used the system of registration proposed in the Bill to judge which colleges were better value for money, and as good as universities for the subjects I wanted to study. This will be vital for students looking to find the course that is right for them."*

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## **VALIDATION AND THE POWER TO GRANT DEGREES**

The majority of independent colleges have validation arrangements with universities in the UK and will continue to do so regardless of the provisions in the Bill to amend Degree Awarding Powers (DAPs). There are, however, providers for whom the current DAP model has restricted what they can deliver for students due to its reliance on a track record of validation as the only way to demonstrate their quality.

Validation arrangements currently represent the sole option for providers new to the UK sector or too small or specialist for DAPs (as they are currently structured) to be the right choice for their staff or their students. These arrangements vary by cost and quality, and often dissolve when a university takes a different "strategic direction" or when one party launches a course which competes with the other. The Bill ensures there is an overarching body protecting the interests of students in these arrangements, which is essential because it is students who mostly keenly feel the cost and consequences of an arrangement coming to a premature end, but are currently given insufficient protections against this.

Validation arrangements are not, however, the most efficient or practical model for many colleges, and the validation process itself presents specific challenges to the most innovative or industry-focused independent colleges. As there is no national registry of validating universities, or prescribed system for validation, simply finding a partner can be a long and drawn-out process. Colleges with an international brand or intellectual property as part of their course can find validation difficult as the process involves the validating university taking ownership of the degree and all of the IP within it. Finally, if a college is seen to be a competitor to a validating university, most will simply decline to validate their programmes.

The removal of student number controls and a greater reliance on student fees have led many universities to shift their focus away from validation towards internal expansion. This has not only limited the number of universities willing to validate, but has made the validation process more fraught with competition considerations. For providers for whom validation is not the right option, the new

developmental Degree Awarding Powers become a vital tool to ensuring they can bring their courses to students. Our members agree that the bar for Degree Awarding Powers must be set high and that the process for developmental DAPs should only be open to those who can show both their capability and longevity within the system. As validation can no longer provide the complete solution for the sector to respond to demand for more choice and innovation, however, the Bill's provisions for developmental DAPs, and DAPs which are specific to the subject and level of course, become ever more important.

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### **Case Study - Le Cordon Bleu London**

*Le Cordon Bleu is the world's leading culinary institute, with 35 centres in 20 countries teaching over 20,000 students of over 100 nationalities. In London, Le Cordon Bleu offers one of the industry's most revered qualifications, the Grand Diplôme, consisting of the Diplôme de Cuisine and Diplôme de Pâtisserie. Le Cordon Bleu's diplomas (similar to Certificates of Higher Education) are modular in nature, to which specific management and internship modules may be added. The resulting qualification is very similar to a Foundation Degree: Le Cordon Bleu Students are taught culinary, hospitality and business skills for up to 15 months of study. Similar to a Foundation Degree, students are taught culinary, hospitality and business skills with specific management and internship modules which take the course up to 15 months of study.*

*In other countries however, Le Cordon Bleu offers bachelor's and master's degrees, on its own or in partnership with universities, which expand on these areas based on student choice. Le Cordon Bleu has the quality processes, external benchmarks and is widely regarded as the industry leader in their subject area, but they cannot deliver their own Foundation Degree in the UK because the validation process required to deliver degrees before DAPs are awarded cannot protect the intellectual property in their programmes. Their international experience does not transfer to the UK, and instead they must be willing to hand over their recipes, techniques and individual culinary style to another institution in order to have their course recognised. The intellectual property of the course is then free for the validating institution to re-distribute as it sees fit. This is simply not an option for an Institute with a world-renowned reputation based on their intellectual property.*

*Each Institute must decide based on local regulations what courses to offer students. In the UK Le Cordon Bleu has chosen not to deliver degrees due to the validation process, which also means they do not deliver higher education which is regulated by the government, as validation is a condition of course designation by BIS. Students in the UK do not have the opportunity to access student finance to attend the London Institute, nor do they have the opportunity to gain credit for this learning which can be used to progress to further courses at other institutions around the world. Le Cordon Bleu welcomes the opportunities for probationary DAPs in the Higher Education Bill, a process which would respect their vast experience and reputation while protecting the skills and techniques which are uniquely Le Cordon Bleu. With DAPs in place, Le Cordon Bleu could finally engage fully with HE Regulation, and with access to student finance more students would be able to study one of the world's most highly sought after qualifications.*

## **TUITION FEE LOAN LIMITS AND WIDENING PARTICIPATION**

The single Registration system offers a significant opportunity not only to widen access to degree level study but also to recognise the work already being undertaken by independent HE providers. It offers a clear and transparent route for providers to establish their suitability for enhanced conditions such as the higher tuition loan of £9,000, and inflationary increases in this amount through the Teaching Excellence Framework (TEF). This will widen access for more students who wish to study at a particular high-quality independent college or university but who are currently blocked by the lower loan limit.

Those who work at independent providers are already familiar with the role they play in widening participation (WP). Many have tailored their provision specifically to meet the needs of WP groups. Their success in this respect is evidenced by the diversity of their student populations. According to a

2016 statistical release by the Higher Education Statistics Agency (HESA) the student population across the 63 independent providers who submitted data had a significant number of BME students with 34% identifying as Black and 19% as Asian. This contrasts with the 10% Black and 10% Asian identifying students at publicly funded providers. The recent report by IFF research cited on page one of this briefing also noted a difference in student populations from a much larger sample of 276 providers. It showed that 51% of students were mature (over 25) and 48% were from a "non-white background".

Independent HE colleges provide a highly supportive learning environment, often with greater contact hours and more tutorial support than the average university. Many offer an innovative, applied or vocational take on subjects which can succeed in engaging students who are more practically oriented, career focused or simply less comfortable with a purely academic approach. These colleges should be given the chance to prove their merit and secure the same benefits for themselves and their students. A system which gives students access to the same information, funding and opportunities at both public and private institutions will empower them to choose the course which is right for them, and will ensure that independent colleges can offer places to all those students who would thrive in their unique learning environments. The Bill describes widening participation in terms of a 'statement' or an 'agreement', but for many independent providers, their singular focus on student needs means that widening participation is an integral part of their course design and supportive learning environment.

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#### **Case Study - City and Guilds of London Art School**

*Founded in 1854 as Lambeth School of Art, City and Guilds of London Art School has been in its current location in Kennington since 1879. The Art School teaches contemporary Fine Art, Conservation and Historic Carving at undergraduate and postgraduate level, as well as offering a Foundation Diploma in Art & Design. The School is a registered charity and is funded entirely by student fees and donations.*

*Magnus von Wistinghausen, Vice Principal of the art school views the Higher Education Bill as an opportunity to ensure any students with a passion for Art and Conservation can train with the best in their fields. "All our staff work successfully in their profession outside of the teaching they do here. This traditional Art School model, focusing on high levels of contact studio teaching, isn't measured by the dominant research rankings but makes our teaching relevant, up to date and integrated into the careers and professions our graduates train for. That deserves to be recognised. The HE Bill will ensure that when a student from any background shows a passion for Fine Art and Conservation, they will find their way to City and Guilds of London Art School."*

*The Art School has Designation for its Degree courses so that students who need to can access student loans to pay for the course. This has led to an increase in the number of both applicants and students from widening participation backgrounds. The School charges course fees of £9,000 per year, but as an 'Alternative Provider' students can only access £6,000 in tuition loans. The Art School raises charitable donations for those students from disadvantaged backgrounds who cannot fund the remaining fees, but these donations are time limited and dependent on the generosity of external donors. "Without public funding we are currently barred from accessing the higher loan limit. Changes to the fees and funding system proposed in the Bill will enable our students to access the full £9000 tuition loans. This will mean that funding will no longer be a barrier and more students from all backgrounds will be able to attend the Art School."*

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## CONTACT INDEPENDENT HIGHER EDUCATION

For more information on independent providers of higher education or to speak directly with providers and students please contact Joy Elliott-Bowman, Policy and Public Affairs Manager, Independent Higher Education (email [joy@independenthe.com](mailto:joy@independenthe.com) or phone 020 7608 7090)