



INDEPENDENT
HIGHER
EDUCATION

ANNUAL
CONFERENCE
2016

ELECTIVE SESSIONS C: HIGHER EDUCATION HEADLINES FOR BUSY EXECUTIVES

Presenters



Rob Stroud

Head of Alternative Provider
Engagement, HEFCE



Hilary Aldred

Head of Education, Penningtons
Manches

#IHE16

@independent_HE

www.independenthe.com

Lead Sponsor



PENNINGTONS
MANCHES

Major updates for alternative providers

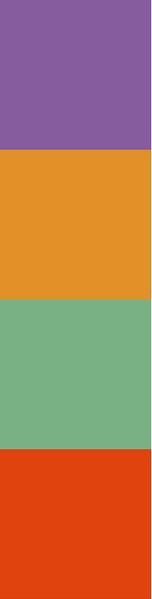
Things you should know

Rob Stroud

Head of Alternative Provider Engagement

Independent Higher Education Annual Conference

29 November 2016



Designation processes

The Department for Business, Innovation and Skills published a significant revision of the guidance for Alternative Providers in July 2016. This document continues to apply under the Department for Education.

- New and updated guidance on how to apply for new **courses** and new **locations**
- Postgraduate loans
- Change of circumstances



New courses and locations

New courses

- New courses are now registered by HEFCE
- Process takes 2-3 weeks from the date of a complete application
- Common mistakes are incomplete submissions of information, and missing information
 - Particularly details on mode, course length, and delivery location detail on validation contracts

New locations

- New locations are decided by the Department for Education
- Process takes around 6 weeks from the date of a complete application

Key information

- You should apply at least 3 months before delivery is planned to commence
- There are no 'application windows' – you can apply at any time!



Postgraduate loans

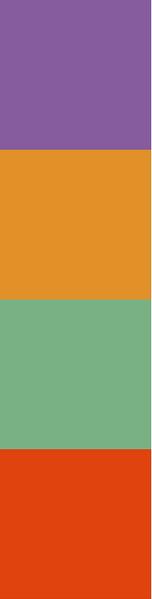
Certain postgraduate courses will become available for loans of £10,000 to students from the 2017-18 academic year (2016-17 for providers with TDAPs).

Providers with current eligible PG courses registered for Disabled Students Allowance

- You were asked as part of the recent annual redesignation application if you wanted to convert these courses to be fully designated for 2017-18.

Providers wishing to have new PG courses designated for 2017-18

- Make a new course application now. At the point it is registered it will be for DSA only, and will become eligible for PG loans from 2017-18 (assuming successful annual redesignation)



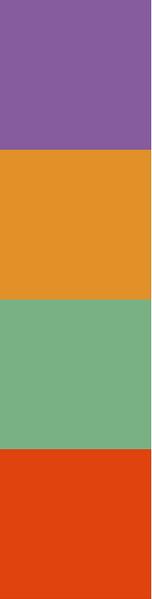
Change of circumstances

There have been changes to the requirements of what changes of circumstance need to be reported 'in year', and what will only be assessed as part of annual redesignation. We now have a single reporting process for 'in year' changes.

You **must** report the following 'in year':

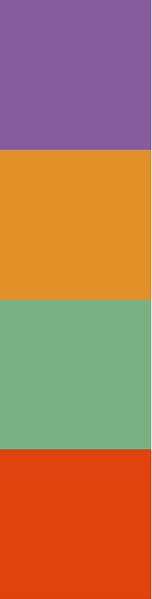
- Changes to Accountable Officer and key personnel
- Compliance risks
- Reputational risks
- Change of name
- Changes which may affect fit and proper persons
- Materially increased gearing
- Adverse variance in financial position
- Fraud, serious weakness, or accounting breakdown
- Changes to courses
- Changes to locations
- Addition of locations to an existing campus

If you are unsure as to whether something is reportable, please contact us as soon as possible for advice. Delays to reporting may affect the advice we are able to give to the DfE and ultimately, your designation status.



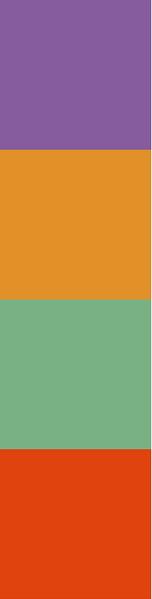
APIU engagement

- All providers with current designation have received at least an initial visit in the last year.
- All providers, including those on teach out, have a named contact within HEFCE and the DfE.
- This year, we have expanded our resource to ensure that we can offer a tailored approach to support for providers.
- As a reminder, we are here as your source of support, and will always seek to get you the answers you need.
- In this year, for some providers the level of intensity of engagement will adjust based on our understanding your individual circumstances. The level of engagement you receive is not dictated you, and we are always happy to receive invites and requests!
- You should have received a letter (via email) to your institution at the start of October detailing your named HEFCE contact details. Please do contact me if you are unsure who this is.



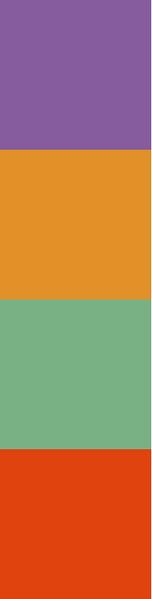
Data

- This year represents the most significant change in data requirements we have seen so far for alternative providers.
- HESA – all APs based in England with specific course designation have been required to return information. A major change from last year was that your return needs to cover all of your undergraduate courses, and not just those designated. Further updates to coverage are expected in subsequent years.
- HEAPES – all APs with either an FT SNC, or PTDL SNC, or both, need to complete HEAPES. Deadline **15 December 2016** with verification until mid-January 2017.
- NSS – all APs based in England with specific course designation are required to participate in the 2017 National Student Survey. You should have, by now, submitted information to IPSOS Mori to enable the administration of the survey, including any of your own questions you wish to have included. Your students will be surveyed in early 2017, with the results available in summer 2017.
- Destination of Leavers of Higher Education (DLHE) – you are likely to already be undertaking activity in relation to this survey, where you are required to collect data and return it, via HESA (a separate return to the AP Student return).
- Publication of information – we expect performance information for a number of providers to be available to be published in early 2017, and information designed for students in summer 2017.



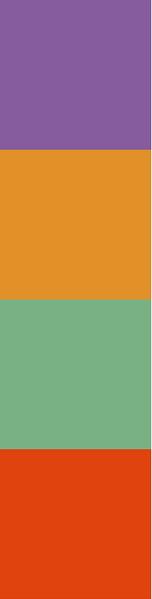
TEF

- A lot of the data referred to on the previous slide is used to derive metrics for the Teaching Excellence Framework.
- If you're in this session, then you are not in the TEF session...
- HEFCE published supplemental guidance at the end of October 2016, and also made available to each institution the data that we hold where we have any.
- Accurate data returns are essential for participating in future years of the Teaching Excellence Framework.
- Providers who do not have data this year may be eligible for a provisional award.
- Deadline to opt in: **noon on 26 January 2017**
- <http://www.hefce.ac.uk/lt/tef/> for all your TEF information needs – including recorded webinars



Prevent

- All providers submitted their initial Prevent assessments and have received feedback.
- The HEFCE Prevent contacts will have been engaging with you in order to provide support where it is needed.
- The Monitoring Framework detailing HEFCE's approach was updated.
- There is now an annual monitoring requirement for Prevent.
- You must submit your annual reports by 1 February 2017, and annually by 1 February thereafter.
- There are also change of circumstance reporting requirements for Prevent which must be reported as soon as possible. These are not covered by the redesignation annual reporting requirements.



Coming up...

- Changes to the quality assessment process for the HEFCE funded sector continue to be brought online
 - These do not directly affect APs – but will be affecting your partners if you are validated by a HEFCE funded provider
- HE and Research Bill continues to pass through Parliamentary process
 - Has now reached the House Of Lords – will continue through into early 2017
- Likelihood of a significant number of consultations regarding the future regulatory landscape
 - It is of vital importance that you keep abreast of these and consider responses where appropriate
 - Expect Independent HE to organise meetings and coordinate collective responses as well
- Data futures – a significant overhaul to how data is being collected across the sector
 - A complex project– but APs concerned about the data burden need to be engaged – search for ‘data futures’ on the HESA website



Thank you for listening

r.stroud@hefce.ac.uk

Copyright

The copyright in this presentation is held either by the Higher Education Funding Council for England (HEFCE) or by the originating authors.

Please contact customerservices@hefce.ac.uk for further information and re-use requests.



PENNINGTONS
MANCHES

THE TESCO-ISATION OF EDUCATION STUDENTS AS CONSUMERS AND MORE

Hilary Aldred

Independent HE Annual Conference 2016



Introduction

- The student as a consumer
- Planning for Brexit and changes to funding in future terms and conditions
- Managing diversity and regulating equality



Other hot topics

- “Changing the Culture” violence against women, harassment and hate crime affecting students
- The GDPR – updating the Data Protection Act
 - Many similarities but the differences are
 - Territorial scope
 - Enforcement
 - Explicit consent
- Managing fluctuations in demand in the gig economy



The TESCO-isation of education students as consumers and more

- Consumer Protection from Unfair Trading Regulations 2008
 - Prohibition on unfair commercial practices
- Consumer Contracts (Info, Cancellation & Additional Charges) Regulations 2013 (in force June 2014)
 - Pre-contract information, once offer accepted it is binding
 - Distance, on premises and off premises. Cancellation Rights
- Consumer Rights Act 2015
 - Consolidation of existing laws but new remedies – voluntary statements deemed binding
 - Same test as UCTA
 - Change to qualifying institutions for OIA scheme



Issues identified by the CMA in 2015

Information provision	Terms and Conditions	Complaint handling
<p>Research and application stage</p> <ul style="list-style-type: none"> • Provide all material information (on the course and costs) in clear intelligible, timely and unambiguous manner. • Risk of misleading omission or misleading action • Tailor information (eg for international students) • Invitations to purchase must contain material information 	<p>Broad definition of “terms”- “all contracts, rules and regulations, documents that students are bound by, which together form the contract” between you and the student</p>	<p>Procedures to be clear and accessible</p>
<p>Offer stage</p> <ul style="list-style-type: none"> • Need to provide pre-contract information • Confirmation in a durable medium 	<p>Easy to locate, and easy to access</p>	<p>Ensure they are fair</p> <ul style="list-style-type: none"> • Timescales • No barriers • Escalation
<p>Enrolment stage</p> <ul style="list-style-type: none"> • How is enrolment carried out 	<p>Highlight “surprising” or “important” terms . Includes terms which prevent completion of the course and tuition fee changes (NB highlighting them does NOT make them fair)</p>	<p>Breach the general prohibition if contravene requirements of diligence in the sector</p>
	<p>Terms not to be drafted in a way which is unfair</p>	



Banned terms

Banned terms	Compliance review July 2016
Terms which permit a wide discretion to vary content or structure or increase fees	“Most courses will have a small increase in tuition fees for each year annually. However some courses can have a more significant increase.”
Terms imposing academic sanctions in relation to non-payment of tuition fee debts	Progress through securing assurances from institutions
Terms limited liability for non or poor performance of educational services	“While every effort has been made to ensure the accuracy of the information provided by our website, we cannot be held responsible for any errors or omissions.”
Blanket IPR assignments	No comment



Student mental wellbeing

- Emerging challenges in a consumer driven market
- Frameworks for the development of policies and procedures including procedural frameworks to guide staged intervention and decision-making:
 - fitness to study
 - mitigating circumstances
 - fitness to sit
 - fitness to practise
 - crisis intervention
 - returning to study



Highlight terms

- Identify the services which are not provided – counselling, 24/7 healthcare, emergency mental health treatment
- Signpost students to where they will need to look to secure such support



How far does the duty of care go?

- Institutions have a general duty of care at common law:
 - to deliver their services (for example teaching, supervision, pastoral) to the standard of the ordinarily competent institution;
 - in carrying out their services and functions as institutions, to act reasonably to protect the health, safety and welfare of their students
- Be mindful of the QAA's expectations to support students in their learning opportunities and academic experience



The position of EU Students, their loans and Brexit

- There will be no change to the tuition fee status of current EU students attending UK universities or those applying to courses starting in 2017–18
 - This includes loans to cover tuition fees, loans and grants for maintenance, and some other grants and allowances, including the new postgraduate loan
- What about future students?
 - Currently EU students are charged lower fees. Can an EU student who starts a course paying home fees continue to pay home fees?
- Retained status?

•



Equality issues

- Guidance for education institutions
 - Conflicting rights
 - Religion v sexuality
 - Prevent and Freedom of Expression
 - Gender issues
 - Feminists v transgender
 - Transgender bathrooms?





**PENNINGTONS
MANCHES**

**LONDON
BASINGSTOKE
CAMBRIDGE
GUILDFORD
OXFORD
READING
SAN FRANCISCO**

www.penningtons.co.uk

Penningtons Manches LLP is a limited liability partnership registered in England and Wales with registered number OC311575. San Francisco is an office of Penningtons Manches (US) LLP, a limited liability partnership registered in England and Wales with registered number OC396811.