

Designation of a body to perform the assessment functions for higher education in England

Response to Government Consultation by Independent Higher Education – December 2017

Independent Higher Education (IHE) has developed a constructive relationship with **QAA** over the last several years, and our members report positively on the expertise of staff and their friendly but professional approach. We **support** their designation to work alongside the Office for Students (OfS) as the Designated Quality Body, but believe that the Secretary of State must set certain **conditions** in so designating them.

Firstly, QAA must commit to designing a gateway process which is driven by student outcomes and does not, in principle or in practice, prescribe the processes which an independent higher education institution would undertake to achieve these outcomes. This would require QAA to embrace the principles of the proposed new Quality Code and its focus on outcomes. It would also require QAA to fundamentally shift the mindset of its reviewers to ensure that the gateway review is flexible enough to support a diversity of processes appropriate to each provider's delivery model and students.

Secondly, IHE should be represented throughout the governance, groups and committees of QAA, from the bottom to the top, to ensure that the perspectives of independent providers (including new providers, validated providers, pathway providers and providers with a professional training focus) are heard and their interests borne in mind when decisions are made. In the case of the Board and other top-level committees, this representation should be achieved through a formal process of nomination by IHE, ensuring that these representatives are directly answerable to our members through our own governance structures. Elsewhere, a more informal approach would be appropriate, whereby IHE can advise on the suitability of representatives and support them to extend and maintain their links within and knowledge of the wider independent sector.

The appointment of individual representatives with some experience of the independent sector is not sufficient to provide effective representation of the interests of IHE members in the governance of QAA. Independent providers are far more diverse than traditional universities in their size, subject focus and delivery models, making it all the more challenging for a single person to represent them effectively on a group or committee. This can be addressed by ensuring such representatives have a regular opportunity to hear views and discuss issues with others from the full spectrum of independent providers through membership of IHE's established networks and forums. At the Board level, however, it is necessary for independent providers to have a formal channel by which they can exercise their influence and hold the company to account.

The OfS should consider whether, in the case of QAA, the definition of "the persons who determine the strategic priorities of the body", who "must represent a broad range of registered higher education providers", extends beyond its Board of trustees to include the legal members of the company. As these do not currently include IHE or the Association of Colleges (AoC), they represent less than 25% of the providers who will register with the OfS, and less than 30% of those who may be required to use the statutory services of the Designated Quality Body. The impact assessment published by the Department for Education in December 2017 on the introduction of registration fees estimates that in the first year alone (2019/20), 399 of the providers in the approved categories will come from an Alternative

Provider (191) or Further Education College (208) background, compared with 132 from a publicly funded HE background.

As part of our mission, IHE works to ensure that the interests of all independent providers are effectively represented in the design and implementation of regulation. We therefore engage on a regular basis with both members and non-members from an Alternative Provider background who would otherwise be voiceless.

Finally, QAA should be encouraged to work with OfS to ensure that all providers they currently review with specific articulation provision (including Year 0, pathway and foundation courses) can register with the OfS. These providers teach a range of courses which articulate onto higher education programmes at different levels and which are delivered to meet the current expectations of the UK Quality Code. While some of these courses may not be benchmarked at FHEQ level 4 and above, they do meet the expectations of the Code and should not be excluded from OfS oversight or subject to additional regulation. This same principle should ensure that all Year 0, pathway and foundation courses which articulate onto higher education programmes are included within scope of the gateway review for future entry to the register. This is essential to facilitate the registration and monitoring by OfS of pathway providers who form a critical part of the higher education ecosystem, as well as to understand fully the role these transition courses play in widening participation and improving social mobility in the UK.