Are current rules and regulations related to UK Higher Education restricting growth in the sector?

Contents

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Executive Summary

As an established Higher Education provider with approved fee cap status granted by the DfE and OfS, Regent College London has adapted successfully to recent sector challenges, notably due to the Covid-19 pandemic but also to sector wide issues in general.[1] Based on first-hand experience, leaders at Regent have identified three key areas where we believe the current rules and regulations in the UK are potentially restricting the growth of UK Higher Education. These are:

- Restrictions to the Student Loans Company (SLC) maintenance loan post Covid-19

- UK Visas and Immigration's (UKVI) narrow margin in relation to visa refusals, and

- UKVI's Confirmation of Acceptance for Studies (CAS) issuance and responsibilities

The current SLC maintenance loan, it can be argued, restricts students' access to study by imposing strict guidelines on them and being inflexible to their personal circumstances and time for study.[2] The SLC maintenance loan requirements for in-person attendance at specific locations and postcodes was introduced prior to the Covid-19 pandemic. During the pandemic, the UK HE sector moved to digital synchronous delivery giving rise to greater access and improved flexibility for students to study, particularly for those from widening participation backgrounds. As a result, the sector has adapted and now enables more flexible access to higher education.

As a result of the opportunities created by digital learning, we have witnessed an increasing number of students expressing a preference for continuing with online synchronous delivery. In view of this, it would be highly beneficial for full-time students to be offered a sliding scale for SLC maintenance loans that is proportionate to the students' own study preferences and personal circumstances. Such a move would also be in line with the OfS drive to provide greater flexibility for students and the launch of their September 2022 'short course SLC funded trial', which is part of the government's approach to delivering its new Lifelong Learning Entitlement.

Recent proposals to impose restrictions on students without minimum grades at GCSE from receiving maintenance loans also has the potential to reduce access for those who are currently under-represented in higher education. It is crucial that changes to eligibility do not unfairly penalise prospective students from non-traditional backgrounds, and we welcome indications that exemptions will be made for mature students.

The current UKVI visa system, introduced to curb net immigration, urgently needs a refresh. Currently, UK universities and colleges are penalised when visa approvals drop below 90%. These punitive measures negatively impact the institution, students, staff, wider society and, ultimately, the global recognition of the UK as a provider of world-class higher education. It is our view that by working together to review existing processes and penalties, the sector and UKVI can strengthen the UK's position as a beacon of accessible higher education and thereby boost economic growth.

Finally, while the sponsor licence is maintained and administered by the provider's authorising officer, the UKVI have the ultimate authority over the CAS and are able to check any CAS prior to approval. When punitive measures are imposed on a provider that achieves close to 90% visa success rates, it appears at odds with the spirit embodied by the Government's 'International Education Strategy global potential, global growth' that celebrates the UK higher education sector, especially when UK education export targets 2030 have been set.[3]

This short paper considers several important areas where existing or proposed regulations have the potential to hold back growth in the UK HE sector, particularly in relation to widening access, quality standards, arrangements for international students, and funding.

Introduction: responding to recent challenges in UK Higher Education

1. Since the first British university was established in the 11th Century, the growth of higher education (HE) in the United Kingdom can be characterised as long periods of slow evolution, punctuated by shorter periods of rapid transformational change. The major expansions in UK HE witnessed during the early and late 19th Century, throughout the 1950s and 60s, and as a consequence of the 1992 Further and Higher Education Act, were all prompted by significant social and economic changes in UK society and the need to meet the challenges of that age.[4] Seismic, political, social, and economic events in the UK and globally over recent years suggest that this decade will witness the next major upheaval in UK HE.

2. Arguably, UK HE is currently facing a perfect storm of local and global challenges that may prove an existential crisis for those unable to innovate and adapt.[5] The unprecedented social and economic challenges presented by Brexit and the Covid-19 pandemic are likely to be significant and long lasting, even after the UK settles into a 'new normal'. Brexit has turned on its head the way the sector is able to meet the needs of European applicants wishing to study in the UK, whilst the Covid-19 pandemic has challenged long held assumptions about the best ways to meet the needs of diverse students, particularly those for whom traditional delivery models have been barriers to access.[6]

3. If UK HE is to serve the changing needs of its homegrown students and maintain its global reputation for world class higher education, it needs autonomy to build on the lessons learnt from the pandemic, and freedom to maximise opportunities presented by the opening up of global markets, unhampered by regulations that restrict pioneering practices or innovation.
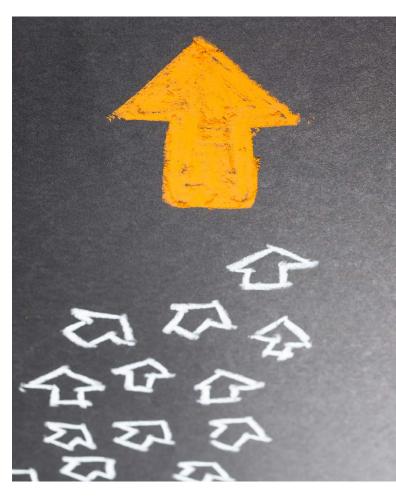
Building on the lessons learnt during Covid-19

4. The Covid-19 pandemic intensified many challenges that were already facing UK HE, around sustainable research funding, student expectations, increasing costs in general and the need for new technologies that enrich the learning experience.[7] The pandemic additionally increased the challenge for many homegrown students, particularly mature students from non-traditional backgrounds, to balance study with family, work and care commitments.[8]

5. Covid-19 also created significant barriers for students entering (or returning to) UK HE programmes, as institutions closed for long periods of time, as national examinations were adapted or cancelled, and as assessment times (e.g., for language testing) were delayed.[9]

6. While Covid-19 exacerbated challenges facing the sector, it also prompted UK HE to successfully adapt its provision and work in more agile ways. In particular, national lockdowns and social distancing measures, necessitated the rapid adoption of sometimes transformative digital approaches to teaching and learning.

7. The use of digitally enabled learning, the sole delivery method for extended periods, was undoubtedly a technical and personal challenge for many HE institutions, lecturers, and students. Aside from the difficulties of delivering engaging course content, many students unsurprisingly missed in-person contact with their tutors and peers, with some experiencing significant dips in their mental health and wellbeing.[10] Regent College London took it upon themselves to develop a novel learning environment to ensure no students missed sessions by creating the innovative 'TLACC' Teaching Learning Assessed Curriculum Continuum' environment via digital synchronous methods.

8. However, the shift to digital delivery models has also created significant, and in some cases life-changing, opportunities for some students to access study at HE level. The shift from physically attending lectures and seminars to accessing learning remotely, and in many instances through a combination of synchronous (live) and asynchronous (recorded) content, has broken down often unsurmountable barriers to learning. This has particularly been the case for mature students from widening access backgrounds. The shift to digital delivery models has removed, at least in part, barriers relating to travel time and cost, as well as the challenges of juggling full or part time study with work, family, or caring commitments.[11]

9. It is important that the benefits of digital learning are not forgotten as the Covid-19 pandemic transitions to an endemic. The educational 'genie can't be put back in the bottle' and it is crucial that regulators listen to those students for whom digital approaches have proved a critical gateway to study and allow the HE sector to redesign learning that meets the diverse needs of students from non-traditional backgrounds. Regent College London created the innovative 'TLACC' Teaching Learning Assessed Curriculum Continuum' environment via digital synchronous methods to support students and ensure digital poverty was addressed.

Widening student choice and maximising opportunities

10. Whilst the value of in-person approaches is undeniable, regulators need to encourage those HE providers wishing to maintain hybrid or blended approaches as a way of enhancing student choice and opportunity.[12] Above all other approaches, it can be argued that digital delivery, whether wholly or as part of a blended model, has the greatest potential to contribute to important national agendas such as widening access and participation, 'levelling up', lifelong learning and upskilling.[13] [14] [15]

11. It is widely recognised that there is a need to improve opportunities and choice for mature students and those from non-traditional backgrounds in order to support their education, training, and development.[16] One positive outcome from Covid-19 has been the growth of more flexible models of learning that appeal to mature students who, unlike secondary school leavers, are looking for educational routes that can be incorporated into their existing lives.

12. The advent of digital delivery options has seen a rapid growth in enrollment for HE institutions who offer such programmes. Mature applicants for full-time undergraduate courses starting in 2021 rose by 24%.[17] Many of these students would not have been able to access HE programmes previously, and any future blanket return to predominantly in-person, on campus approaches, may once again put barriers in their way.

13. Another positive move during the Covid-19 pandemic was the UK government's decision to relax arrangements for receipt of the maintenance loan, as many students were unable to live in their accommodation due to lockdown restrictions, whilst still having to pay their rent.

14. However, with the easing of restrictions, and a return to in-person teaching, there has been a return to previous arrangements. Whilst such regulations are undoubtedly necessary, many mature students who began their studies during the pandemic now face the potential of losing this financial lifeline through no fault of their own.

15. In the future, consideration should be given to ensuring that such students can access funding that sufficiently reflects the true costs of study. For example, it would be highly beneficial for full-time students to be offered a sliding scale for SLC maintenance loans that is proportionate with their own study preferences and personal circumstances.

16. Government plans to impose restrictions on students without minimum grades at GCSE from receiving maintenance loans also has the potential to reduce access for those who are currently under-represented in higher education. [i]

17. Recent analysis by the University and College Application Service, suggests that about 10% of university applicants do not have English and maths GCSE passes when they leave school. This figure is likely to be higher for mature students returning to education after long gaps, those joining through non-traditional routes, or those with English as a second language.

18. It appears that the government recognises that there is a need for entry grade exemptions for certain types of students, such as mature ones, and this is to be welcomed. While we acknowledge the importance of maintaining standards in higher education, it is crucial to build on the positive gains that have been made in recent years in terms of widening access to higher education. To this end, we urge policy makers to ensure that decisions do not unfairly penalise students from disadvantaged or underrepresented backgrounds.

Raising standards whilst recognising value added

19. The OfS has recently outlined new proposals to ensure HE students reach 'acceptable' benchmark outcomes during their studies.[18] Its consultation proposals include numerical targets. For full-time students, 80% of those studying for their first degree should continue in their study after the first year, 75% should complete their course, and 60% should go on to managerial or professional employment or further study. HE providers that do not meet these targets could face investigation and sanctions.[19]

20. Whilst recognising the importance of setting ambitious targets for the outcomes achieved by all students, irrespective of their background, such regulations (and any penalties) also have the potential for unintended consequences and adverse effects. Although the devil will always be in the detail, any one size fits all approach to benchmarking has the potential to be inherently unfair, favouring more traditional, 'prestigious' HE providers over those that seek to widen access and participation as part of their core ethos and mission.

21. Undoubtedly, it is wrong to routinely settle for lower outcomes for particular groups of students based on their characteristics, and providers who consistently fail to deliver positive outcomes for their students warrant scrutiny. However, it is potentially counterproductive to ignore the very different rates of progress students from non-traditional backgrounds may need to make to reach the proposed benchmarks. Thus, a provider with high proportions of widening access students may not meet the benchmarks, but be consistently outstanding in its provision, and adding exceptional value to the progress and achievement of students from significantly lower educational starting points. At best, failure to meet these standards could lead to time-consuming investigation of a provider's practices. At worst, a strong and committed provider may decide to move away from supporting students from widening access backgrounds.

22. In addition, there is a risk – as has been the case in UK secondary education – of HE providers 'teaching to the test' in order to meet benchmarks. One unintended consequence could be a move away from approaches that foster independence, exploration, and creativity, to more didactic approaches that ensure students do enough to pass each year.[20] Rather than raising standards, this could in fact lead to a form of 'teaching to the middle' that restricts the learning experience and limits rates of progress.

23. Another proposed target for the OfS are courses that don't have good conversion rates into employment. Although this may successfully support a wider agenda to place people within particular industries or to fill employment gaps, it ignores the idea that learning in higher education can and should be about more than simply gaining employment.[21] Beyond obtaining employment, participation in higher education has a positive impact in areas of life such as citizenship, civic engagement, crime, health, and wellbeing.[22]

24. On a practical level, there are also real concerns that the way the OfS applies fines could cause protracted and damaging legal disputes within the sector if Higher Education Institutions (HEIs) dispute their ruling, or that maximum fines could damage the financial stability of an HEI, with a detrimental impact on its students.[23][24]

Welcoming international students

25. Both Brexit and the Covid-19 pandemic have presented significant challenges to meeting the needs of the many international students who are attracted to UK HE providers and studying in the UK. These challenges are likely to remain for some time and it is essential that government and regulators are mindful of the impact of potentially restrictive policies and seek to ensure that regulations enable UK HE to maintain its position as a world leader.

26. To mitigate potential difficulties created by changes to regulations, Universities UK called on the government to introduce supplementary flexibilities in the visa system due to Covid-19 in order to minimise the impact on recruitment of international students.[25]

27. Universities UK have also called for reform to the visa system, after a reduction in EU exchange students, following the implementation of the new immigration system. The reform proposes to increase the time that short-term exchange students can stay in the UK from six months to one academic year. This would support new opportunities, global links and perspectives in the UK, boost the economy and support levelling up.[26]

28. The current UKVI visa system urgently needs a refresh. Currently, UK HE providers are penalised when visa approvals drop below 90%. These punitive measures negatively impact the institution, students, staff, wider society and, ultimately, the global recognition of the UK as a provider of world-class higher education. It is our view that by working together to review existing processes and penalties, the sector and UKVI can strengthen the UK's position as a beacon of accessible higher education and thereby boost economic growth.

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Funding in UK HE

30. The way that universities are funded in the UK has shifted significantly over the last decade. In 2010, around 50% of funding came from the government. Now, only around 25% comes from the government with the rest deriving from student fees.[28]

31. The HE and university sector at large has increasingly become one driven by business concerns, and the viability of future funding streams, alongside its educational priorities. Although most UK HE providers are ostensibly 'public sector' organisations, both they and the growing number of OfS registered providers need to be agile and ambitious in a highly competitive marketplace.

32. In April 2020, Universities UK wrote a proposal to the government, calling on it to, amongst other things, (1) implement more financial support for UK research so the sector can weather the post-pandemic era and (2) implement support to protect student choice, including for adult learning's shorter credit-bearing courses.[29]

33. The OfS has also reformed how it will fund colleges and universities, introducing its Capital funding, a competitive system of funding.[30][31]

34. Within the funding context it is important that regulators limit restrictive demands that discourage UK HE providers from developing ambitious growth plans that enhance local and global access to provision, whilst creating a viable and sustainable financial model.

Concluding remarks

35. Whilst it is undoubtedly a time of significant challenge for HE, there are also exciting opportunities to transform the sector, radically redesigning approaches to provision, exploiting the advantages of digital technology, and maximising opportunities for UK institutions to cement their position as global leaders in HE.

36. It is therefore crucial that government and regulators are sensitive to the challenges faced by the UK HE sector, and fully recognise the need for sufficient freedoms and minimal 'red tape', to enable providers to adapt, innovate, and thrive. We believe this is particularly the case in relation to the SLC maintenance loan, UKVI's processes around visa refusals and CAS issuance and responsibilities.

37. Although transparent checks and balances are necessary to ensure students enjoy provision of a consistent quality and achieve high standards that enable them to progress successfully in their studies and careers, HE providers need to have the room to design programmes and delivery models that best meet the changing needs of diverse learners in a post-pandemic world.

References

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7 7 key challenges for UK higher education

8 COVID-19 lockdowns deepened struggle for work-family balance

9 The Impact of COVID-19 on Admissions and Transitions

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15 Here's why upskilling is crucial to drive the post-COVID recovery

16 Improving opportunity and choice for mature students

17 Mature students in England

18 Student outcomes and teaching excellence

19 OfS sets out plans to crack down on poor quality courses

20 Universities need to focus on students – not teach to targets – to help them succeed

21 What's the point of education?

22 Things we know and don't know about the wider benefits of higher education

23 OfS subjective fines proposal could cause legal disputes for the sector

24 Russell Group response to Office for Students monetary and financial penalties consultation

25 Achieving stability in the higher education sector following COVID-19

26 UUK calls for visa reform to curb expected drop in EU exchange students

27 International Education Strategy: global potential, global growth

28 The COVID-19 pandemic is causing a crisis in the UK universities

29 Achieving stability in the higher education sector following COVID-19

30 OfS announces the allocation of £135 million of capital funding

31 OfS confirms funding reforms

i No English and maths GCSE, no university student loan, plans say