

Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice

A response by
The Chartered Institute of Legal Executives

15 January 2016

Contents	Page
About CILEx	2
Public sector equality duty	2
Teaching excellence framework	2
Social mobility and widening participation	4
Opening up the sector to new providers	5
Provider exit and student protection	6
Reducing complexity and bureaucracy in research funding	7

For further details

Should you require any
further information,
please contact;

Vicky Purtill
Director of Education
vpurtill@cilex.org.uk
01234 845761

January 2016

ABOUT CILEx

1. The Chartered Institute of Legal Executives (CILEx) is the professional association and governing body for Chartered Legal Executives, other legal practitioners and paralegals. CILEx represents around 20,000 members, which includes approximately 7,500 fully qualified Chartered Legal Executive lawyers. CILEx is also a nationally recognised Awarding Organisation, regulated by the Office of the Qualifications and Examinations Regulation (Ofqual) and Qualifications Wales.
2. CILEx has reviewed the information contained within the consultation documentation and has considered the questions posed and provided responses to these questions.

PUBLIC SECTOR EQUALITY DUTY

Question 1:

a) What are your views on the potential equality impacts of the proposals and other plans in this consultation?

3. In terms of driving social mobility, the TEF proposals within this consultation may assist individuals to choose the best institution for them, in terms of access and support provided during the course of study, as well as being able to determine teaching quality and likely outcomes of completing given courses of study. Therefore, increasing availability of data to inform choice should have a positive effect on social mobility and improving outcomes for those from disadvantaged backgrounds.

b) Are there any equality impacts that we have not considered? If so, please provide any further relevant evidence.

4. None identified.

TEACHING EXCELLENCE FRAMEWORK

Question 2: How can information from the TEF be used to better inform student and employer decision making? Please quantify these benefits as far as you can.

5. Investment in high quality teaching is essential to ensure that both employers and students can make informed decisions as to the education benefits of choosing one institution over another and therefore the TEF will enable a more informed decision to be made on teaching quality at a given institution. Alone, this will only be an indicator of good value for money however and other factors such as destination data will also be helpful in making informed choices in the future.

Question 3: Do you agree that the ambition for TEF should be that it is open to all HE providers, all disciplines, all modes of delivery and all levels? Please give reasons for your answers.

6. Yes, failure to include all types of HE provider in the TEF would place some institutions at a disadvantage and this would not be productive in ensuring all students are able to make an informed choice on the most appropriate institution for them to study with.

Question 4: Where relevant, should an approved Access Agreement be a pre-requisite for a TEF award? What other mechanism might be used for different types of providers?

7. Yes, an access arrangement provides a clear indication of what can be expected from an institution and therefore to ensure this information is available to ensure fully informed choices can be made, this or similar should be a requirement for all institutions offering Higher Education.

Question 5: Do you agree with the proposals on:

d) what would constitute a 'successful' QA review

e) the incentives that should be open to alternative providers for the first year of the TEF

f) the proposal to move to differentiated levels of TEF from year two?

Please give reasons for your answer.

8. These questions have been answered together. For the first year only, it is agreed that a successful QA review without conditions imposed would be an appropriate proxy to access the TEF and that 3 years would be an appropriate length of time for access to the first level of the framework, after which an institution would be required to demonstrate continued or improved teaching quality to remain on the framework and/or progress through the higher levels. The incentives available to access and remain on the framework should be the same for all institutions, irrespective of designation to ensure that the best institutions, however designated can be judged on a level playing field by those seeking to purchase their services. Differentiated levels will enable consumers to clearly identify the best institution for their needs and therefore this information should be available at subject level rather than institution level as an aggregate could mask underperformance in some subject areas thereby making informed choice more complex.

Question 6: Do you agree with the proposed approach, including timing, assessment panels and process? Please give reasons for your answer.

9. The timing and use of panels is supported. In terms of the process, the lack of institution visit may be a disadvantage in assessment and could lead to unfair assessments. It may be helpful to include some form of spot checking to ensure that the quality of teaching asserted and the additional measures claimed are put into practice in the institutions.

Question 7: How can we minimise any administrative burdens on institutions?

10. Where possible, existing data collected could be incorporated into the process as part of the assessment.

Please provide any evidence relating to the potential administrative costs and benefits to Institutions of the proposals set out in this document.

11. No view.

Question 8: Do you agree with the proposed approach to differentiation and award as TEF develops over time? Please give reasons for your answer.

12. Differentiation is supported as this will enable centres of excellence to emerge through the evidence provided and enable informed choices to be made on the basis of evidence of high quality teaching.

Question 9: Do you agree with the proposed approach to incentives for the different types of provider? Please give reasons for your answer.

13. The incentives are stated as enhanced reputation which will enable the best institutions to attract more students and therefore thrive in the new market and the ability to raise fees is the second incentive. The ability to raise fees through improved performance on the TEF may be counter-productive, as this will mean that lower cost courses may be chosen by some on the basis of affordability, at the expense of the highest quality and this may disproportionately impact on disadvantaged groups which this new process is designed to assist. This may be something to monitor over time to ensure that such adverse effects are not introduced as an unintended consequence.

Question 10: Do you agree with the focus on teaching quality, learning environment, student outcomes and learning gain? Please give reasons for your answer.

14. Yes. This provides a number of checks on the standards of the courses, not just in terms of the quality of the teaching but also the impact these courses have in ensuring that graduates have the right skills to enter the workplace.

Question 11: Do you agree with the proposed approach to the evidence used to make TEF assessments - common metrics derived from the national databases supported by evidence from the provider? Please give reasons for your answer.

15. As previously stated there may also be a need to spot check institutions to ensure that information provided is accurate, complete and reflects the information provided by the institution to support their application for rating on the TEF – this could also be used to ensure standardisation of assessment between institutions as information provided may vary from institution to institution and this would provide a more objective view.

SOCIAL MOBILITY AND WIDENING PARTICIPATION

Question 12:

a) Do you agree with the proposals to further improve access and success for students from disadvantaged backgrounds and black and minority ethnic (BME) backgrounds? Please give reasons for your answer.

16. Yes. The evidence within the consultation indicates that more support is required for certain student groups which goes beyond straightforward access arrangements and these additional measures may further assist in ensuring performance and retention

rates among all groups are more consistent in the future. The success of these additional measures should be monitored to ensure their success.

b) Do you agree that the Office for Students should have the power to set targets where providers are failing to make progress? Please give reasons for your answer.

17. Yes. The ability to impose sanctions will ensure that institutions address issues which hinder progress in relation to social mobility and therefore will assist in raising standards across the board.

c) What other groups or measures should the Government consider?

18. No further groups or measures have been identified. However, the government may want to consider making access to best practice information open to all, rather than just through the Social Mobility Advisory Group.

Question 13:

a) What potential benefits for decision and policy making in relation to improving access might arise from additional data being available?

b) The availability of data will enable the measures implemented as a result of this consultation to be evaluated for success and to determine whether further measures are required to address issues of social mobility.

c) What additional administrative burdens might this place on organisations? If additional costs are expected to be associated with this, please quantify them.

19. No view.

OPENING UP THE SECTOR TO NEW PROVIDERS

Question 14: Do you agree with the proposed single route into the higher education sector? Please give reasons for your answer, including information quantifying how the potential cost of entry would change as a result of these proposals.

20. Yes, this seems a sensible approach, providing a streamlined and consistent approach to the application procedure.

Question 15:

a) Do you agree with the proposed risk-based approach to eligibility for DAPs and university title? Please give reasons for your answer.

21. The proposal to operate a risk-based approach to the application process seems to be sensible. It enables newer entrants to the market to access these powers, whilst possibly being subject to additional restrictions rather than creating the yes/no approach currently in use. It provides for both the allocation of rights as well as the imposition of sanctions, which should ensure continued high quality whilst relaxing the current restrictive regime. The removal of barriers in relation to the length of time under which an institution must have operated validated programmes prior to seeking

DAPs in their own right seems sensible, given the revised risk based approach to the assessment of applications. In relation to the consideration of more flexible options for demonstrating a track record in Higher Education, more information on possible options would be helpful in order to provide an opinion.

b) What are your views on the options identified for validation of courses delivered by providers who do not hold DAPs?

22. The only method currently available to obtain independent DAPs is through obtaining validation to deliver degrees through another degree awarding institution. It is agreed that this could have a negative impact on institutions seeking DAPs if they are unable to obtain an arrangement with an existing institution with DAPs. Therefore the alternatives suggested, such as the creation of a non-degree awarding body which could provide these rights to another institution to enable them to build up the necessary track record to make an application for DAPs in their own right seems to be a positive step to increasing choice in the market place.

Question 16: Do you agree with the proposed immediate actions intended to speed up entry? Please give reasons for your answer.

23. The immediate actions to speed up the application process seem sensible and will ensure that those who qualify to apply for DAPs will be looking at a more streamlined process. The government should ensure that there are mechanisms in place which safeguard the student cohort of these institutions, where, for example, the period of financial history reviewed as part of the application process, is reduced.

PROVIDER EXIT AND STUDENT PROTECTION

Question 17: Do you agree with the proposal to introduce a requirement for all providers to have contingency arrangements to support students in the event that their course cannot be completed?

24. This proposal ensures that there will be student protections in place and this may limit the need for the government and therefore the taxpayer to step in to 'prop up' failing institutions. Therefore, it is agreed that such contingency plans should be in place.

Please give reasons for your answer, including evidence on the costs and benefits associated with having a contingency plan in place? Please quantify these costs where possible.

25. See above.

Simplifying the higher education architecture

26. These questions have not been addressed in detail, as CILEx is not regulated by these institutions. However, in general CILEx would be supportive of a streamlined regulatory architecture overseeing all aspects of the delivery of Higher Education.

Question 18:

a) Do you agree with the proposed changes to the higher education architecture? Please give reasons for your answer.

b) To what extent should the OfS have the power to contract out its functions to separate bodies?

c) If you agree, which functions should the OfS be able to contract out?

d) What are your views on the proposed options for allocating Teaching Grant? Please give reasons for your answer

Question 19: Do you agree with the proposal for a single, transparent and light touch regulatory framework for every higher education provider? Please give reasons for your answer, including how the proposed framework would change the burden on providers. Please quantify the benefits and/or costs where possible.

Question 20: What steps could be taken to increase the transparency of student unions and strengthen unions' accountability to their student members?

Question 21:

a) Do you agree with the proposed duties and powers of the Office for Students? Please give reasons for your answer.

b) Do you agree with the proposed subscription funding model? Please give reasons for your answer.

Question 22:

a) Do you agree with the proposed powers for OfS and the Secretary of State to manage risk? Please give reasons for your answer.

b) What safeguards for providers should be considered to limit the use of such powers?

Question 23: Do you agree with the proposed deregulatory measures? Please give reasons for your answer, including how the proposals would change the burden on providers. Please quantify the benefits and/or costs where possible.

REDUCING COMPLEXITY AND BUREAUCRACY IN RESEARCH FUNDING

27. No views expressed on this element of the consultation.

Question 24: In light of the proposed changes to the institutional framework for higher education, and the forthcoming Nurse Review, what are your views on the future design of the institutional research landscape?

Question 25:

a) What safeguards would you want to see in place in the event that dual funding was operated within a single organisation?

b) Would you favour a degree of hypothecation to ensure that dual funding streams, along with their distinctive characteristics, could not be changed by that organisation?

Question 26: What are the benefits of the REF to a) your institution and b) to the wider sector? How can we ensure they are preserved?

Question 27: How would you suggest the burden of REF exercises is reduced?

Question 28: How could the data infrastructure underpinning research information management be improved?

Submitted by:

Name: Vicky Purtil

Organisation (if applicable): The Chartered Institute of Legal Executives

Address: Kempston Manor, Kempston, Bedford, MK42 7AB

Email Address: vpurtil@cilex.org.uk

Please tick the box that best describes you as a respondent to this consultation. Alternative higher education provider (with designated courses)	
Alternative higher education provider (no designated courses)	
Awarding organisation	x
Business/Employer	
Central government	
Charity or social enterprise	
Further Education College	
Higher Education Institution	
Individual (Please describe any particular relevant interest; parent, student, teaching staff etc.)	
Legal representative	
Local Government	
Professional Body	x
Representative Body	
Research Council	
Trade union or staff association	
Other (please describe)	

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes