Department for Business, Innovation & Skills

Applying Student Number Controls to Alternative Providers with Designated Courses. Response form

There is no obligation to use this form when responding, but doing so will make your responses easier to analyse. There is no obligation to answer all questions. We look further to receiving your feedback.

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is **23 January 2013**

Please return completed forms to:
Simon Batchelor,
Higher Education Directorate
Department for Business, Innovation and Skills
2 St Pauls Place,
125 Norfolk Street,
Sheffield S1 2FJ

Telephone: 0114 207 5015
Email: HE.consultation@bis.gsi.gov.uk

Question 1

Name of organisation (or name of person if the response is a personal response and is not submitted on behalf of an organisation)?

What type of organisation is it? (e.g. Alternative Provider, HEI, FEC, Regulatory Body etc.)

University of Birmingham
HEI

Contact person: Olivia Kew-Fickus, Director of Strategic Planning, University of Birmingham, Edgbaston, Birmingham, B15 2TT,

Question 2

Do you have a preference for Method 1 (control based on eligible students) or Method 2 (control based on students accessing funding)? If so, why is this?

An increasingly open market in higher education demands a level playing field if it is to be fair, transparent, and to operate in the best interests of the students and the public. Therefore, we welcome the proposals to bring alternative providers within the framework of Student Number Control, as this is fundamental to the goal of reducing anomalies in the way different types of institutions are treated, as well as the other proposals in this consultation which would contribute to achieving this goal.

While either Method 1 or Method 2 would allow Student Number Control to be introduced, we would prefer Method 1 as this would complement the SNC system in control for HEFCE-funded providers, promoting a more level playing field.

We are concerned that, although the Government is proceeding with proposals to level the playing field around quality, public expenditure controls, and financial sustainability, as laid out in this document, policies around dispute resolution, tuition charge caps, fair access, and potentially information requirements still remain fundamentally different for alternative providers and HEFCE-funded institutions. We believe that changes to these areas are essential, not just to creating a level playing field, but also to protect students, to ensure proper use of public funding, and to facilitate an effective and effectively regulated market in HE in the UK.

We are also concerned about the lack of leverage the Government may have over alternative providers who choose to ignore Student Number Controls. The control mechanisms outlined in 2.4.2 do not seem to us robust enough to avoid potential issues which could have a significant impact on the public purse. This is particularly an issue when public funding may be paid to private shareholders, as dividends, and subsequently the company goes into liquidation, leaving students without provision.

Question 3

What is your view on submission of data to HESA? Do you think designated courses at alternative providers should participate in the Key Information Set and therefore complete the National Student Survey and Destination of Leavers in Higher Education survey (if student numbers are large enough to permit this)?

A key principle underpinning the HE White Paper and the Government's subsequent policies to reform HE funding has been that students need access to information in order to make informed choices. The outcomes of the NSS and DLHE surveys are very important indicators that we know are fundamental to the student decision-making process, and we believe that for alternative providers to sit outside these systems would be detrimental to students. As HESA subscription is required to participate in these surveys, we believe that alternative providers should be required to subscribe to and submit data to HESA if student numbers are large enough to permit data to be generated from these surveys.

This would have the added benefit of giving both policy-makers and the sector a better line of sight on the growth of alternative providers. Policy-makers would therefore receive the information they need to monitor the impact of policy reforms on the HE sector in the UK. The sector would benefit from a more level playing field and equality of competition, as currently alternative providers can access significant information about HEFCE-funded providers via HESA but HEFCE-funded providers do not receive reciprocal information about alternative providers.

Question 4

Are there any other methods for controlling student numbers on designated courses at alternative providers that you would recommend instead of Method 1 or Method 2?

No.

Question 5

Do you agree that there should be an exemption from student number controls for alternative providers with small numbers of students accessing student support? If so, do you have suggestions as to how the Department should define 'very small'?

As stated above in Question 3, we believe it is important for all HE providers to be treated equitablely and transparently. We recognise the issue of concern relating to a disproportionate regulatory burden on certain smaller alternative providers and agree that further consideration needs to be given to the details of the policy. In the case of these very small providers, light touch procedures should be favoured when possible.

This question does not ask about information provision via HESA for these very small providers. We recognise that for very, very small providers it may not be possible within data protection requirements to generate meaningful NSS or DLHE outputs, but based on the data provided in the consultation document even these providers attract significant amounts of public funding for student support, so some level of accountability ought to be expected.

Question 6

Equality considerations: Do you think that the proposals for applying student number controls will have any equality implications (e.g. positive, negative, or neutral) for people with protected characteristics (as set out in the Equality Act 2010), or people from low income groups?[1] What impacts might there be and do you have any evidence of possible impacts?

We are very concerned about the impact on equality of the decision to exclude alternative providers from the oversight of the Director for Fair Access. If alternative providers choose to charge more than £6,000 for their courses, we believe that they should be subject to the same requirements around Fair Access as HEFCE-funded providers.

We are also concerned that participation with the Office of the Independent Adjudicator remains voluntary for alternative providers within the proposals put forward. This potentially limits the options for students, including those with protected characteristics, seeking dispute resolution with their HE provider.

Question 7

Do you have any other comments on the proposals within this consultation document?

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below:

Please acknowledge this reply

[1] Section 149(1) of the Equality Act 2010 imposes a duty on Ministers to have due regard to three specified equality matters when exercising their functions. These are: a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by the Act; b) advancing equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and c) fostering good relations between people who share a relevant protected characteristic and people who do not share it. The Equality Duty covers the following protected characteristics: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnerships.

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?

Yes No

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Any enquiries regarding this publication should be sent to:

Department for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET
Tel: 020 7215 5000

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