

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### HIGHER EDUCATION AND RESEARCH BILL

*Ninth Sitting*

*Tuesday 11 October 2016*

*(Morning)*

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CLAUSES 25 and 26 agreed to, with amendments.

SCHEDULE 4, as amended, under consideration when the Committee adjourned till this day at Two o'clock.

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**not later than**

**Saturday 15 October 2016**

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**The Committee consisted of the following Members:**

*Chairs:* † MR CHRISTOPHER CHOPE, SIR EDWARD LEIGH, SIR ALAN MEALE, MR DAVID HANSON

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|--|--|
| † Argar, Edward ( <i>Charnwood</i> ) (Con)   | † Milling, Amanda ( <i>Cannock Chase</i> ) (Con)           |
| † Blackman-Woods, Dr Roberta ( <i>City of Durham</i> ) (Lab)                             | † Monaghan, Carol ( <i>Glasgow North West</i> ) (SNP)      |
| † Blomfield, Paul ( <i>Sheffield Central</i> ) (Lab)                                     | † Morton, Wendy ( <i>Aldridge-Brownhills</i> ) (Con)       |
| † Chalk, Alex ( <i>Cheltenham</i> ) (Con)  | † Mullin, Roger ( <i>Kirkcaldy and Cowdenbeath</i> ) (SNP) |
| † Churchill, Jo ( <i>Bury St Edmunds</i> ) (Con)   | † Pawsey, Mark ( <i>Rugby</i> ) (Con)                      |
| † Evennett, David ( <i>Lord Commissioner of Her Majesty's Treasury</i> )                 | Rayner, Angela ( <i>Ashton-under-Lyne</i> ) (Lab)          |
| † Howlett, Ben ( <i>Bath</i> ) (Con)   | † Smith, Jeff ( <i>Manchester, Withington</i> ) (Lab)      |
| † Johnson, Joseph ( <i>Minister for Universities, Science, Research and Innovation</i> ) | † Streeting, Wes ( <i>Ilford North</i> ) (Lab)             |
| † Kennedy, Seema ( <i>South Ribble</i> ) (Con)   | Vaz, Valerie ( <i>Walsall South</i> ) (Lab)                |
| † Marsden, Gordon ( <i>Blackpool South</i> ) (Lab)                                       | † Warman, Matt ( <i>Boston and Skegness</i> ) (Con)        |
|  | Katy Stout, Glenn McKee, <i>Committee Clerks</i>           |
|  | † <b>attended the Committee</b>                            |

## Public Bill Committee

Tuesday 11 October 2016

(Morning)

[MR CHRISTOPHER CHOPE *in the Chair*]

### Higher Education and Research Bill

#### Clause 25

##### RATING THE QUALITY AND STANDARDS OF HIGHER EDUCATION

9.25 am

*Amendment proposed:* 198, in clause 25, page 15, line 14, at beginning insert “Subject to subsection (3),”.—(*Jeff Smith.*)

*See amendment 199.*

**The Chair:** With this it will be convenient to discuss amendment 199, in clause 25, page 15, line 17, at end insert?

“(3) No arrangements for a scheme shall be made under subsection (1) unless a draft of the scheme has been laid before and approved by a resolution of both Houses of Parliament.”

*This amendment and amendment 198 would ensure TEF measures were subject to scrutiny by, and approval of, both Houses of Parliament.*

**The Minister for Universities, Science, Research and Innovation (Joseph Johnson):** It is a pleasure to serve under your chairmanship, Mr Chope—unexpectedly, as you take the place of Sir Edward and the other standing Chair of the Committee. I thank hon. Members for tabling this amendment. I am sorry that the hon. Member for Blackpool South was not here to move it, but his colleague did so superbly and briefly, which is the sort of taciturn approach to moving amendments that we welcome and would like to see followed throughout the rest of today’s proceedings. I do not, however, believe that the amendment is necessary to achieve its objectives or, indeed, proportionate, given the protections we have put in the Bill. I therefore ask the hon. Gentleman to withdraw it.

**Gordon Marsden (Blackpool South) (Lab):** My apologies for my lateness; Members will not be surprised to hear that it was a result of Network Rail.

I do not believe that the Government’s record so far in saying there are sufficient safeguards gives us a great deal of confidence. The truth of the matter is that there are still major issues with the teaching excellence framework that cannot simply be resolved down the Committee corridor at some point. They need proper and full scrutiny on the Floor of the House of Commons, which is why we tabled these amendments. In a spirit of good will, and because my colleague moved the amendment in my place, I will not detain the Committee further. I do, however, note that we view the whole way in which the TEF is being handled in administrative and governmental terms as very fishy. We will continue to probe the Minister on it, so his hopes of a swift finish to the day might be dashed.

**Roger Mullin (Kirkcaldy and Cowdenbeath) (SNP):** I would like to say a few words about the TEF, rather than the amendments as such. I want to put on record my concern about the way in which people are being swept along, believing that the TEF is particularly meaningful. I had a discussion a few days ago with Professor Jack Dowie, who, as some Members may know, is considered somewhat of a world expert in judgment and decision making. As he put it to me,

“Some instruments measure something that exists independently, like a tumour, and the items in the instrument, like symptoms and signs, are used to reflect the construct”,

which is doing something meaningful.

“However, some instruments claim to measure something that does not exist independently, and university quality is one such thing.”

Two Middlesex University lecturers, Dr Maeve Hosier and Ashley Hoolash, have kindly sent me for review an academic article that has not yet been published. They have just completed a study of the six major league table ranking systems, which are based on different instruments of assessment, and have quite understandably found that they all come up with completely different rankings of universities dependent upon the instruments used. This is just a caution that people should not read too much into how meaningful these types of system actually are.

**Jeff Smith (Manchester, Withington) (Lab):** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Joseph Johnson:** I beg to move amendment 37, in clause 25, page 15, line 14, after “ratings” insert “—  
(a) ”.

*This amendment is linked to amendment 40.*

**The Chair:** With this it will be convenient to discuss Government amendments 40, 41, 108, 109, 112 and 113.

**Joseph Johnson:** I am delighted to move these amendments. One of the strengths of our higher education sector is the way it operates across the whole UK. Though education is devolved, that has not stopped us working together for the benefit of all. This is no different for the TEF. My officials and I are working closely with our counterparts in Scotland, Wales and Northern Ireland, and we have set out in our White Paper that that has led to higher education providers across the whole UK being able to participate in the first year of the TEF. We have had positive discussions with the HE sectors themselves to ensure that year 2 of the TEF takes account of the different approaches in each nation and ensures that every provider is assessed on a level playing field. I am delighted that all three of the devolved Administrations have now confirmed that their providers will be allowed to take part in year 2 of the TEF if they so wish.

As Alastair Sim of Universities Scotland said, when giving evidence to the Committee,

“the engagement with the Department for Education has been constructive and creative about how the metrics of the TEF might be configured in ways that take account of Scottish interests.”  
—[*Official Report, Higher Education and Research Public Bill Committee*, 6 September 2016; c. 67, Q103.]

These amendments allow that kind of collaboration to continue so the OFS can, subject to the consent of the relevant devolved Government, receive applications for TEF assessments from providers across the UK. Amendments 37, 40, 112 and 113 will enable Ministers in the devolved Governments to decide whether to opt in or out of the TEF scheme. Even if a devolved Minister gives their consent, participation in TEF will remain voluntary for individual providers, as it is in England.

I am keen to address the points made in the evidence sessions about the need for the TEF to recognise the distinctive approaches to higher education across the UK, and we have ensured that the devolved nations are fully represented in the governance structure for the TEF going forward. Amendments 41 and 108 ensure we are using the Scottish, Welsh and Northern Irish definitions of “higher education course” for the purposes of the TEF. Amendment 109 amends clause 80 so that, where Welsh Ministers exercise their existing powers to set maximum fee loans in Wales, they can do so by reference to matters outside of regulations. That could be the list of providers and their relevant tuition fee limits, based on their TEF ratings, which will be published by the OFS.

**Carol Monaghan** (Glasgow North West) (SNP): I will raise some of the issues and concerns that Scottish institutions have with the TEF. The Minister has rightly said that Scottish institutions now have the ability to participate in the TEF, but Scottish institutions already have their own quality assurance under the enhancement-led institutional review. That is a collaborative quality assessment that looks at improving standards across the board, whereas the metrics within the TEF at the moment seem to lower standards somewhat. The problem that Scottish institutes have if they do not participate in the TEF is that when they compete in the international market students can look at somewhere with a high TEF rating and compare it with Scottish universities that might not have participated. If some do and some do not, there is a two-tier process.

We would look for some benchmarking of Scotland’s quality assurance against the TEF, so that institutions that choose to participate in the TEF do not disadvantage others or do not have to undergo a double level of quality assurance. We ask that the enhancement-led institutional review should be recognised as meeting the requirements of TEF year 1, to avoid any detriment to Scottish higher education.

**Joseph Johnson:** Let me reiterate that these amendments provide enabling powers for the OFS to run a TEF scheme that includes higher education providers across the UK subject, as I said, to the consent of Ministers in those Administrations. I am delighted that my devolved counterparts have agreed that they are content to allow their providers to participate in TEF in year 2. We welcome the commitment of Scottish Ministers to allow their universities—their higher education institutions—to participate if they wish to do so. We certainly take on board all the points made by the hon. Lady.

*Amendment 37 agreed to.*

**Joseph Johnson:** I beg to move amendment 38, in clause 25, page 15, line 15, after “and” insert “the”.

*This amendment ensures that the OfS can assess all of the standards that apply to the higher education provided by a provider and ensures consistency with the language in clause 23(1).*

**The Chair:** With this it will be convenient to discuss Government amendments 39, 44, 46 to 48, 51, 54 to 58, 65 and 66.

**Joseph Johnson:** I turn now to a relatively large group of minor and technical amendments, which will provide consistency of language and drafting across the Bill as well as additional clarity on specific points.

I do not wish to spend a lot of the Committee’s time on these, as they are purely technical amendments that do not change the core policy. All of them, except for amendments 56 and 65, ensure the language is consistent across clauses 23, 25, 26 and schedule 4.

Amendment 56 clarifies that when the Secretary of State removes a quality body’s designation, she must set out all of the reasons for the decision. Amendment 65 clarifies that “graduate”, for the purposes of schedule 4, means a graduate of a higher education course provided in England. As the designated body will be undertaking functions only in England, it was important to clarify that we were talking only about graduates of a course provided in England.

*Amendment 38 agreed to.*

*Amendments made:* 39, in clause 25, page 15, line 15, leave out second “the”.

*This amendment ensures that the language of clause 25 is consistent with clause 23 and clarifies that a scheme can cover some or all of the education provided by a provider.*

Amendment 40, in clause 25, page 15, line 16, after “rating” insert “, and

(a) to higher education providers in Wales, Scotland or Northern Ireland, in respect of whom the appropriate consent is given, regarding the quality of, and the standards applied to, higher education that they provide where they apply for such a rating.

“(1A) “The appropriate consent” means—

(a) in the case of a higher education provider in Wales, the consent of the Welsh Ministers to the application of subsection (1) to the provider;

(b) in the case of a higher education provider in Scotland, the consent of the Scottish Ministers to the application of subsection (1) to the provider;

(c) in the case of a higher education provider in Northern Ireland, the consent of the Department for the Economy in Northern Ireland to the application of subsection (1) to the provider.

(1B) Such consent—

(a) may be given either generally in respect of all providers or in respect of providers of a particular description or named providers,

(b) is given by notifying the Chair of the OfS, and

(c) is valid until it is revoked by notifying the Chair.

(1C) For the purposes of applying the definition of “higher education provider” in section 75(1) to subsections (1)(b) and (1A), the reference to “higher education” in that definition—

(a) in the case of an institution in Wales, has the meaning given in section 75(1);

(b) in the case of an institution in Scotland, has the same meaning as in section 38 of the Further and Higher Education (Scotland) Act 1992;

(c) in the case of an institution in Northern Ireland, has the same meaning as in Article 2(2) of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15));

and the reference to “higher education” in subsection (1)(b) is to be read accordingly.”

[Joseph Johnson]

*This amendment and amendment 41 extend the power of the OfS to make arrangements under clause 25 for a scheme for giving ratings to English higher education providers regarding the quality of, and the standards applied to, higher education that they provide so as to also include Welsh, Scottish and Northern Irish higher education providers where the relevant devolved administration consents and the provider applies for a rating. Amendments 108, 112 and 113 are related amendments.*

Amendment 41, in clause 25, page 15, line 17, at end insert—

‘(3) For the purposes of applying that definition of “standards” to subsection (1)(b), the reference to a “higher education course” in that definition—

- (a) in the case of an institution in Wales, has the meaning given in section 75(1);
- (b) in the case of an institution in Scotland, means a course falling within section 38 of the Further and Higher Education (Scotland) Act 1992;
- (c) in the case of an institution in Northern Ireland, means a course of any description mentioned in Schedule 1 to the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).”—(Joseph Johnson.)

*See the explanatory statement for amendment 40.*

**Paul Blomfield** (Sheffield Central) (Lab): I beg to move amendment 286, in clause 25, page 15, line 17, at end insert—

‘(3) In making arrangements under subsection (1), the OfS must, after a period of consultation, make—

- (a) an assessment of the evidence that any proposed metric for assessing teaching quality is in fact linked to teaching quality; and
- (b) an assessment of potential unintended consequences which could arise from an institution seeking to optimise its score on each metric, with proposals on how these risks can best be mitigated.

(4) The assessment under subsection (3) must be made public.”

*This amendment would require an assessment of the evidence of the reliability of the TEF metrics to be made and for the assessment to be published.*

It is a pleasure to serve under your chairmanship, Mr Chope. I hope this is a proposal on which we can find agreement across the Committee. With this amendment, I am seeking to reflect the recommendation made unanimously by the Select Committee on Business, Innovation and Skills, when we looked at teaching quality in our recent report. There were some areas where we robustly did not agree, but this is a matter on which we did, and I am sure that if I deviate from that consensus, the hon. Member for Cannock Chase will pick me up on it. Although we fully endorsed the Government’s focus on teaching excellence, in the light of evidence we heard we were concerned about getting the arrangements right. The metrics being proposed were not, as the Government recognised, measures of teaching quality; they were rough proxies.

The three key metrics are employment, retention and the national student survey. We discussed employment briefly under earlier clauses. In all the evidence we received, and certainly across the Committee, it was recognised that employment destination, although important, is not a satisfactory measure of teaching quality. That is an important point, and it is an issue that the Government are concerned about in relation to their work on social mobility and creating opportunities, on which the Prime Minister has put great emphasis. If

someone comes from the right school and the right family and goes to the right Oxbridge college, it does not matter how well they are taught; they will probably end up in a good job; that is widely recognised. Employment destination is not a measure of teaching quality. The Select Committee were concerned that that is a flawed metric for measuring teaching excellence. That is not controversial; it is something on which we find cross-party agreement.

**Dr Roberta Blackman-Woods** (City of Durham) (Lab): My hon. Friend is making a powerful case. Even allowing for benchmarking, universities experience very different local labour markets that students can easily move into. Does he agree that that has not been sufficiently taken on board by the Minister?

**Paul Blomfield:** My hon. Friend highlights a point made to our Select Committee: a simple, crude focus on people’s salary and employment outcomes fails to recognise the enormous difference between regions. As someone who represents a Sheffield constituency and both Sheffield universities, I am very conscious of that, and it is a point that has been made powerfully to me. We felt as a Select Committee that the employment metric was flawed.

On the retention metric, although the Committee celebrated the Government’s intention to focus on retention, in the work on access and widening participation the focus should be not simply on getting people to university, but on ensuring that they succeed there and have good outcomes after graduation. The focus on retention is welcome, but we were not convinced that it was right as a metric for measuring teaching quality. We have seen in school league tables and how we measure schools’ performance that such a focus can lead to unintended and perverse outcomes. The easiest way to up a retention score would be to ensure that the intake of students did not include too many people who would struggle to succeed. That clearly is not what the Government want, and it is not what any of us want.

**Dr Blackman-Woods:** That runs completely counter to what the Government say their social mobility agenda is, because it will make universities less likely to take people who they think are higher risk—mature students, perhaps, or students who have a range of problems. That would be a really unfortunate consequence of the way the legislation is drafted.

**Paul Blomfield:** Our Select Committee was very focused on the Government’s welcome and ambitious targets to improve the representation of those from less advantaged backgrounds in higher education, but my hon. Friend is absolutely right to say that this metric could lead to exactly those unintended and perverse outcomes.

9.45 am

**Carol Monaghan:** The hon. Gentleman is making a lot of sense. There is also a danger that university courses that are tougher or potentially tougher could be dropped because they would have student leakage. I am talking particularly about science, technology engineering and maths subjects, such as physics, where there are great shortages. We should be protecting against anything that causes losses in those areas.

**Paul Blomfield:** I thank the hon. Lady for raising another dimension of precisely the problem that we were concerned about: that although well intentioned, the retention metric could lead to gaming, unintended consequences, and outcomes that run counter to the Government's own objectives.

**Amanda Milling (Cannock Chase) (Con):** We discussed this issue at great length in the Select Committee. The hon. Gentleman is going through each of the metrics individually, but actually they make up a basket of metrics and they need to be looked at as such. Does he agree that one thing that came out of the Select Committee was that we have these quantitative metrics, but there are also the qualitative metrics? We will be looking at things more in the round. Although there are the metrics that the hon. Gentleman is going through individually, they need to be looked at as a basket and as ones that will be developing over time. Learning gain was another metric that we considered. The sector should be engaging in this process.

**Paul Blomfield:** The hon. Lady knows that I completely agree that the metrics should be developed over time. We have heard on many occasions the teaching excellence framework compared with the research excellence framework. Getting the REF right has taken several years. My concern—shared by the Select Committee, I think—is that we should not blunder into a scheme that will measure universities inaccurately when it is such an important flagship for the Government's policies. I also agree that there is a basket of metrics, but the Government's focus in all their publications and all the commentary has been on just three. I was simply highlighting the concerns that I think she will agree the Select Committee had about those three, which are at the heart of the basket.

The third metric, of course, is the national student survey. I will say at the outset that I think the NSS has been an extremely positive tool to engage universities in focusing on teaching quality, and I think it is fine to build on it in many ways. For example, universities' consistently poor rating for assessment and feedback in the NSS has led to real change in the relationship between teachers and students. The NSS itself is quite positive, but in the Committee we heard clearly that there is, as I think everyone in the room would recognise, a difference between measuring general satisfaction and measuring teaching quality. There is a difference between the satisfaction of students and knowing confidently that they are well taught.

**Carol Monaghan:** I thank the hon. Gentleman for giving way again. As a former teacher, I know well that what comes back in such surveys can often be personality driven and has no bearing on the quality of teaching. We have to look at student satisfaction with a degree of caution.

**Paul Blomfield:** The hon. Lady is right. As we all know from our university days and school days, there can be a huge difference between enjoying a class—having a great time with a particular teacher and liking that person enormously—and being well taught.

**Roger Mullin:** To give one example, when I was teaching at Stirling University about 30 years ago, my feedback from one student said "Nice eyes and a gorgeous bum." [*Laughter.*]

**Paul Blomfield:** Even from my position sitting in this Committee Room, I would not wish to assess that evaluation, but I understand why the hon. Gentleman might want to share that with the Committee. It highlights in a particularly graphic way how we know the NSS does not provide a satisfactory metric in that respect. However, as the Government said, these are proxies.

The amendment would ensure, as the Select Committee recommended, that the office for students has a responsibility, in overseeing the metrics, to ensure that they can confidently and accurately measure teaching quality and nothing else—not the personal features of the hon. Member for Kirkcaldy and Cowdenbeath, not employment outcomes based on family background and school connections, but teaching quality. On that we are all agreed, and I therefore hope the Government will feel able to accept the amendment.

**Joseph Johnson:** I thank the hon. Gentleman for tabling the amendment on a subject that he and I have discussed on many occasions over the last year or so. I am sure we will continue to do so for some time to come.

The summary of our position is that excellent teaching can occur in many forms. There is no one-size-fits-all definition of teaching excellence, but great teaching, defined broadly, increases the likelihood of good outcomes, and metrics are crucial to measuring those outcomes. Chris Husbands, the TEF chair and vice-chancellor of Sheffield Hallam, has noted that the TEF's approach is realistic about the difficulty of assessing teaching quality. He wrote:

"It does not pretend to be a direct audit of the quality of teaching. Instead, it uses a range of evidence to construct a framework within which to make an assessment—looking at a range of data on teaching quality, learning environments and student outcomes."

In developing the metrics, we and the Higher Education Funding Council for England have listened carefully to the consultation feedback. We have used a set of criteria to decide which metrics to use: that they must be robust, valid, comprehensive, credible and current. We wanted to use tried and tested data sets that are already widely established in the sector, not least to avoid the need to collect new data and impose a burden on institutions. There is currently a limited set of metrics that meet those criteria, but those metrics do allow for differentiation across providers. For example, on retention and student outcomes, many providers are well above or below the current sector-accepted benchmark. Quality teaching clearly makes a difference. To quote Chris Husbands again, his

"sense is that as the system matures, the metrics will also mature, but it is difficult to argue that teaching quality, learning environment and student outcomes are not the right places to look to make an assessment."

We consulted extensively on the metrics as part of the year 2 technical consultation and made further improvements to the way the metrics were handled. The sector has welcomed our changes. For example, on the

[Joseph Johnson]

publication of the TEF year 2 documentation, Maddalaine Ansell, the chief executive of University Alliance, said:

“There are decisions here that we strongly welcome, such as a broader approach to benchmarking...and a more granular system for looking at performance differences... We remain confident that we can work with government to shape the TEF so it works well as it develops.”

Let me turn to some of the specific points that the hon. Member for Sheffield Central and other hon. Members made on the metrics proposed and on widening participation. Essentially, the question was, “Won’t the TEF metrics and the TEF process itself encourage providers not to take people from disadvantaged groups?” The answer to that question is clearly no. Providers will be required to demonstrate their commitment to widening participation as a precondition of taking part in the TEF. Assessors will consider how the provider performs across all modes of delivery and its effectiveness at meeting the needs of students from different backgrounds. The assessment process will, however, explicitly look at the extent to which the provider achieves positive outcomes for disadvantaged groups, and the metrics will be benchmarked to prevent the TEF being gamed and to ensure that no institution is penalised for having a large cohort of disadvantaged students.

It is worthwhile reflecting on what a current vice-chancellor says about this aspect of the TEF in relation to widening participation. Edward Peck, the vice-chancellor of Nottingham Trent, recently wrote:

“Emphasising widening access, selecting these metrics, and connecting TEF and fee flexibility will prompt, if pursued rigorously, ever more serious consideration within universities of the ways in which young people from poorer backgrounds get in, are supported in staying, and get decent jobs when they leave. These are just the conversations that we ought to be having in universities more often and with greater results.”

**Dr Blackman-Woods:** I am sure it is always possible to find one vice-chancellor who might agree with the Government’s approach, but the Minister must have had representations from a range of universities, including the Open University, that are really concerned about the weight that is being attached to things like retention. I know they have raised that with Committee members; I would be astonished if they had not raised it with the Minister.

**Joseph Johnson:** I think the hon. Lady is trying to present the TEF metric as being in conflict with widening participation. It is not; it is supportive of it. It is a precondition of participating in the TEF that institutions need an access agreement, and that sets an increasingly high bar for their commitment to widening participation. Research by the Social Market Foundation, for example, has found that there is no link between increased widening participation and worsening continuation rates. The hon. Lady and her colleague are setting up an Aunt Sally or a straw man; there is no evidence of the link that they are asking the Committee to consider.

While non-continuation rates are higher among the most disadvantaged students, some institutions are clearly successful at keeping those low as well. This cannot just be because some institutions are selective and have enrolled the most qualified and motivated students from disadvantaged groups. The Social Market Foundation

research points to a number of institutions, with different profiles, that are making a success of the student experience. They include City University, St Mary’s Twickenham, Aston, Bishop Grosseteste, Lincoln and Kingston, which have among the highest retention rates of all institutions for the most disadvantaged students.

It is also worth hon. Members listening to what Les Ebdon, the director of fair access, had to say on this matter, because he probably knows more about it than anybody in the business. To quote his response to the TEF year 2 publication:

“The minister has made it clear that he sees fair access as being integral to the TEF, and I welcome the publication of the year 2 specification. The links to fair access have been further strengthened, following clear support from the sector in their consultation responses. It is especially pleasing to see specific measures on positive outcomes for disadvantaged students, and clear instructions to TEF panellists that they should consider disadvantaged students at every stage.”

**Paul Blomfield:** I want to raise a slightly different point on retention. The Minister will be aware of the recent publication by the Higher Education Policy Institute of a report produced by Poppy Brown that discusses the crisis in mental health in our universities, the growing concern across the sector and the investment of some institutions in, and different responses to, the challenge. What are his thoughts on the effect that growing crisis in mental health might have on achieving successful outcomes in retention and what support universities might need in doing that?

10 am

**Joseph Johnson:** I thank the hon. Gentleman for raising that subject. I commend the vice-chancellor of Buckingham University, Anthony Seldon, for leading a campaign to raise awareness of this important issue across the HE sector. It is vital that universities take full responsibility for the wellbeing of their students, towards whom they have a duty of care. Ensuring that students are supported throughout their studies, including during difficult periods relating to mental health or other issues that cause them to need counselling services, is an important part of a university’s overall pastoral role.

The hon. Member for City of Durham asked about regional employment variations across the system and how they will be taken into consideration in the TEF. That is an important point to which the Department has been giving considerable thought in developing the TEF. The TEF assessors will be able to take local employment into account when they assess providers’ qualitative submissions. If providers believe it is relevant to provide regional employment maps alongside their data on outcomes through the destination of leavers from higher education survey, the panel of assessors will be ready to take any such points into consideration. Of course, it is worth bearing in mind that students are mobile to a great extent and that we live in a national labour market. Regional employment maps will not be the only factor that assessors take into account, but they will take them into account in making their broad, rounded assessment of a university’s contribution to good outcomes.

In our consultation on the TEF metrics we received strong support for our proposals, with more than 70% of respondents welcoming our approach to contextualising data and the provider submissions. We will continue to

review the metrics in use, and where there is a strong case to do so, we will add new metrics to future rounds of the TEF. We have taken and will continue to take a reasoned approach to the metrics. We have thought carefully, consulted widely and commissioned expert advice. Given the co-regulatory approach I have described, we expect the OFS to take a similar approach in future. I therefore ask the hon. Member for Sheffield Central to withdraw his amendment.

**Paul Blomfield:** I thank the Minister for his remarks. He is right to say that we have discussed this issue at length on many occasions, and no doubt we will continue to do so. I have also discussed it at length with Chris Husbands, whom the Minister cites extensively.

I do not want to take up the Committee's time by critiquing the Minister's remarks. He said much with which I agree, although I disagree with some points. I simply ask that we focus on what the amendment says, because I do not think it contradicts anything that he has just said. It simply says that

"the OfS must, after a period of consultation, make...an assessment of the evidence that any proposed metric for assessing teaching quality is in fact linked to teaching quality".

If he would like to say where he disagrees with the idea that metrics on teaching quality should demonstrate teaching quality, I would be happy to take an intervention. In the absence of that, I feel that I should press the amendment to a vote.

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 7, Noes 11.

#### Division No. 7]

#### AYES

Blackman-Woods, Dr Roberta	Mullin, Roger
Blomfield, Paul	Smith, Jeff
Marsden, Gordon	
Monaghan, Carol	Streeting, Wes

#### NOES

Argar, Edward	Kennedy, Seema
Chalk, Alex	Milling, Amanda
Churchill, Jo	Morton, Wendy
Evennett, rh David	Pawsey, Mark
Howlett, Ben	Warman, Matt
Johnson, Joseph	

*Question accordingly negated.*

*Question proposed,* That the clause, as amended, stand part of the Bill.

**Gordon Marsden:** I begin by apologising for not having said earlier that it is a great pleasure to serve under your chairmanship, Mr Chope. I needed to get my breath back. Perhaps I need to get my breath back even more now, given the breathtaking complacency the Minister has just demonstrated towards my colleague's amendment.

That amendment, blocked by the full weight of the silent Government Back Benchers, would have done nothing but put into effect what the Government claim they wish to do with the TEF. Let me take the Committee to the wording of the clause, because words matter and the way in which clauses are drafted matters. It is

remarkable that the teaching excellence framework clause is literally the clause that dare not speak its name. It states:

"The OfS may make arrangements"—

it might just think about it when it is at it, sometime—

"for a scheme to give ratings to English higher education providers regarding the quality of, and standards applied to, the higher education that they provide where they apply for such a rating".

The Government are signalling right in the middle of the clause that they do not want debate on the Floor of the House or in any meaningful measure about the nature of the teaching excellence framework. Persistently, in the Bill and in their comments, the Government have made that very clear.

During the recess, on 29 September, the Government published their ratings plans for year 2. You were not in the Chair, Mr Chope, but before the conference recess, Opposition Members complained that documents that should have been made available to the Committee were not made available proactively, but simply put on the Government's website. The Minister responded very positively on that occasion and various papers have been submitted to the Committee, and we have had papers for part 3. However, I have checked with my colleagues and I have to say that their ability to get hold of the information depended on going to the website and reading the papers from that day, because this was brought out during the recess.

If I sound sceptical and sometimes rather cynical about the Minister's assurances, it is because at every stage and every turn so far, the Government have done their best to hide the TEF's merits under a bushel, as far as parliamentary process and scrutiny are concerned. The wording that has been chosen is interesting because it is almost as if the Minister and the people who drafted the clause know that they are trying to dodge the scrutiny of Parliament and therefore the words that dare not be spoken—teaching excellence framework—are not included in the clause.

We are not going to make a formal complaint that the paper was not circulated to all members of the Committee, but I hope the Minister will bear in mind his good intentions before the conference recess and ensure that, in the limited time left to us, when new documents are published that are germane to the Committee, they are circulated to all members of the Committee and not simply put on an obscure part of the website where people have to look for them.

I think it is fair to say that the announcement on 29 September essentially gave universities and higher education providers an extra year to try to get their situation right before the details of the TEF came into effect in terms of properly analysing and judging the merits or demerits of universities. I do not want the Minister to stand up and say, "Oh, Labour don't believe in the TEF," as he did before the conference recess. I emphasise that we do believe in the importance of teaching excellence; we do believe in the importance of teaching excellence framework. What we are concerned about is that the merits of that teaching excellence framework need to be properly and fully explored before it becomes tainted by being regarded simply as an automatic mechanism to increase fees year on year.

This is highly germane, Mr Chope, to the approach the Government have chosen to adopt. They responded to various providers' comments on the initial draft that

[Gordon Marsden]

the intended wording was not sensible. The Government came up with a new formula: in year 2, HE providers would be judged according to three categories—bronze, silver and gold. Perhaps, as one or two commentators said, the heady achievements of our Olympic and Paralympic teams in Rio swayed some bored official in an office who was trying to think up new phrases to describe this thing that had been comprehensively criticised for its terminology by the university sector. I am not particularly opposed to the idea of gold, silver and bronze in its own right, but the fact of the matter is, as a number of commentators have noted, it is selling a pig in a poke.

I refer the Minister to an interesting article that appeared on the Wonkhe website, which I am sure he is familiar with as he has appeared on it from time to time. The article went into some detail—probably more detail, Mr Chope, than you or I would necessarily want to do other than for the purposes of scrutinising the Bill—about the associated papers that went with the Bill. I will quote from the article because it is relevant to the way in which the Government are getting the whole process of the TEF wrong. In the article by Mr Bagshaw, he writes:

“In the government’s response to the consultation it is rightly noted that the original judgements”—

the original judgments were “meet expectations”, “excellence” and “outstanding”—

“were hopelessly indistinguishable.... Perhaps this is a case of grade deflation... Passing one’s QAA review was supposed to be something of a ‘gold standard’ in international higher education. Yet just meeting that gold standard will now only merit a lowly Bronze award, which virtually everyone will receive by default—at least.

The medal system might satisfy an ‘all must have prizes’ mentality, but it risks forcing what is actually a fine-grained judgement into three uneasy buckets: will the sector really bear the idea that...half of its ‘excellence’ is merely Silver? That’s the anticipated distribution, with 20% Bronze, 50-60% Silver and 20-30% Gold.”

10.15 am

Mr Bagshaw also has some interesting comments to make on the associated papers produced with the Government’s response—a review of excellence framework data and of the factors affecting highly skilled employment. He comments that

“DfE has produced a document which makes for interesting reading and concludes, amongst other things, that there is a correlation between highly-skilled employment, the age of institution and its REF score. But there is no evidence that these are determinants of excellent teaching.”

Yet this paper is produced and prayed in aid in the context of clause 25. In addition,

“the descriptions of the medal-ratings include statements which bear no relation to the underlying data that informs the award. Let’s take Silver, for example: ‘high quality physical and digital resources are used by students to enhance learning.’ The metrics proposed don’t even include the ‘learning resources’ section of the National Student Survey.”

**Joseph Johnson:** Who is Mr Bagshaw?

**Gordon Marsden:** Mr Bagshaw is a contributor to the Wonkhe website.

**The Lord Commissioner of Her Majesty’s Treasury (David Evennett):** An expert!

**Gordon Marsden:** Not necessarily an expert, but someone who might have actually read all the details of what has come about. If the Government Whip wants to do his usual noises off, I will refer him to a number of other people that he might have heard of.

That is one element of what has been said. Despite what the Minister has tried to make out, it is not the case that all universities are throwing their hats up in the air at what has been arranged for TEF year 2. Vice-chancellor and chair of MillionPlus Dave Phoenix said in the context of the announcement about part 2:

“The decision to include additional benchmarking criteria such as socio-economic background and disability is a step in the right direction.”

However, we remain concerned about the timetable for implementation and the link with fees. The chief executive of the University Alliance mission group said that

“the merits of a highly skilled employment metric and the medal-style ratings system will need to be tested. The trial year will be vital to getting this right.”

However, while they are getting it right—or otherwise—in the second year, they will all be allowed to increase their tuition fees by the rate of inflation or whatever mechanism the Government decide they need to employ at that time. I thought that one of the principles of the Olympics was to go “higher, faster and stronger” but it seems to me that the result of the way in which the Government has shoehorned this TEF and linked it in is that the fees are the only thing that will be going higher.

Knowing what is going on in the financial markets today and given Mervyn King’s remarks about rises in the rate of inflation, it is a reasonable guesstimate that fees may well be 3.5% or even 4.5% higher by the time year 2 starts. Nobody knows—not me, not the Minister—but the Government are cheerfully imposing this linkage without any extra demonstration of quality of the sort that they say is essential to the process of the teaching excellence framework. How is that a good recommendation for the TEF? To the criticisms that were levelled when the announcement was made, the Government spokesperson replied:

“Universities will not be able to increase their fees unless they pass rigorous quality standards.”

I have already made the point that these are not going to be “rigorous quality standards” in year 2; at best, they will be a move in that direction. They are certainly not going to be quality standards if a provider can achieve a bronze standard and apparently be regarded as not entirely satisfactory, and still be able to apply for the full whack. If the Minister has evidence to the contrary, I look forward to hearing it.

That will do nothing at all to satisfy the concerns of institutions, the concerns and fears of students who are already laden with huge debt, or the wishes and concerns of all those in this place who believe that essential issues about the fee increases and their linkage to the TEF should be properly debated in this House. If the Minister follows the form he took before the summer recess—if he is still in place—the announcement will be smuggled out with about 20 others at the end of term, when it could have been discussed two days earlier, during the Bill’s consideration. That is one reason why we are so sceptical about how the Minister and the Government are proceeding.

**Ben Howlett (Bath) (Con):** The hon. Gentleman is keen on quoting certain people, so let me quote someone who is an expert on quality assurance and see what he thinks. The chief executive of the Quality Assurance Agency for Higher Education, who I consider to be an expert in the area, has said:

“The government has struck a balance between encouraging competition and rigorous protection of UK higher education’s world-class reputation”.

There is clear evidence that the Bill produces high-quality, rigorous quality assurance. What I hear from the hon. Gentleman is completely contrary to what the experts say. Listen to the experts.

**Gordon Marsden:** The hon. Gentleman no doubt considers himself a bit of an expert, given his co-vice-chairmanship of the all-party group on students, which my hon. Friend the Member for Sheffield Central chairs. I hear what the gentleman from the QAA said. Of course, the QAA, as well as the Higher Education Funding Council for England and various other organisations, will be under the sword of Damocles over the next two to three years as the Bill goes through, so perhaps it is not surprising that there might be some circumspection about commenting on the situation. The fact of the matter is that no one knows. No one knows because the detailed basis on which the TEF will eventually be implemented is still not there. I will come on later to why the Government seem to be missing several tricks in not moving further down that road at the moment, but that is the case right now.

What we know is that the evidence is piling up about year-on-year tuition fee increases that are not based on merit. There might be arguments for increasing tuition fees, but the Government are setting out an automatic mechanism for a two-year period that will significantly and substantially increase fees with no impact assessments and no reference to the quality of the university degrees that are being graded, in a rather trivial PR fashion, as gold, silver and bronze. That is the reality, and the Minister cannot escape from it.

On some of the tuition fee issues and on how the Bill would set in stone that the fee increases will be linked to the TEF, allowing all the work to be done in the OFS away from the daily scrutiny of Parliament, documents such as “Does Cost Matter?”, produced by the National Education Opportunities Network, found that if fees increased, young people who were eligible for free school meals would be the most likely to reconsider going to university, followed by non-white young people.

We have a lot of evidence and a lot of suggestions that that sort of process will have a double-whammy effect. First, it will do nothing for the reputation of the universities in those two years. They will not be able to demonstrate their reputation over and above that which is already there because the metrics for the TEF in the two years are so crude. What it will do is empower them to increase their fees, and we know how various universities chose to interpret what the Minister did in the summer by increasing fees for current students, as well as for future students. That will be a serious and difficult issue.

I am sorry to tell the Chief Whip that I cannot name the next person I wish to quote because he wishes to write anonymously—[*Laughter.*] That is because he is a young academic who is too financially insecure to risk rocking the boat over the TEF structure. Not the Chief

Whip—I promoted him—but the Government Whip will perhaps store his guffaws and allow me to quote from a piece about the TEF in *The Guardian* on 23 September.

“There was—at least in my mind—huge potential for the Tef to recognise the valuable job that teaching-intensive universities do, and encourage sound pedagogical practice... Rather than doing any of these things, the Tef will be based on three crude metrics: student retention and progression; the number of students in paid employment after graduation; and scores on selected items of the National Student Survey... Methodologically, the Tef is flawed. For instance, students’ assessments of individual teachers show persistent gender bias, and the item on assessment and feedback hardly ever changes, whatever the context. It’s also flawed conceptually: ‘satisfaction’ is not the same as ‘learning’, as any psychology text will tell you.”

That was something the hon. Member for Cannock Chase’s colleague amusingly commented on earlier. The writer continues:

“The Tef isn’t concerned with the art and practice of teaching. It does not set out to capture and promote those practices... I don’t believe that universities have to resign themselves to the Tef structure... But I can’t speak out: as a young academic, I’m far too financially insecure to risk rocking the boat.”

Let me quote somebody who is prepared and able to put her head above the parapet: a senior professor of psychology at Oxford, Dorothy Bishop.

“The report shows that while the costs of TEF to the higher education sector... are estimated at £20 million, the direct benefits will come to £1,146 million, giving a net benefit of £1,126 million.” She shows clearly that crucial data from statistical modelling show that the

“TEF generates money for institutions that get a good rating because it allows them to increase tuition fees in line with inflation. Institutions that don’t participate in the TEF or those that fail to get a good enough rating will not be able to exceed the current £9,000 a year fee, and so in real terms their income will decline over time.”

**Joseph Johnson:** Will the hon. Gentleman state clearly whether he opposes allowing universities to increase their fees in line with inflation? Does he want a real-terms reduction in universities’ revenues from tuition fees? Currently, the £9,000 is worth £8,500 in the money of 2012; it will be worth £8,000 by the end of this Parliament. Does he want to starve our universities of resources?

**Gordon Marsden:** I point out respectfully to the Minister that he is the person making the decisions. What I am pointing out is that the TEF is being undermined as a concept by the cynical linking of fees on an “as you were” basis over a two-year period. That is the issue. There are all sorts of other issues relating to the merits and demerits of increasing tuition fees that we could discuss, but they are not within the broadest scope of clause 25 and I want to get back to the TEF. If the Minister wants on another occasion to have a lengthy debate about what his Government have done over the past four years for part-time and mature learners by trebling their tuition fees, for example, I would be interested to have that.

10.30 am

Let me return to what Dorothy Bishop says:

“Another option, which was strongly recommended by many of those who responded to the consultation exercise in the Green Paper... is to remove the link between the TEF and fees.”

That would not stop the Minister coming to the House and saying, “We think fees should go up in line with inflation,” although he might not want to do that if it was running at 3.5%. It would not stop him saying other things. What we object to is the shoehorning of tuition fees and the arguments for tuition fees into a framework that is supposed to demonstrate excellence in teaching in our universities. That is what we object to.

Dorothy Bishop continues:

“We have a system designed to separate winners and losers, but the outcome will depend crucially on two factors: the rate of inflation and the rate of increase in students. The figures in the document have been modelled assuming that the number of students at English Higher Education Institutions will increase at a rate of around 2 per cent per annum...and that annual inflation will be around 3 per cent. If either growth in numbers or inflation is lower, then the difference between those who do and don't get good TEF ratings (and hence the apparent financial benefits of TEF) will decline.”

As I have already said, none of us can know, particularly not in the current climate, what will happen with inflation in the next two years. That makes it all the more important to make sure we do not automatically have that sort of linkage.

Lots of other people have made exactly the same point about the teaching excellence framework being seen as a licence for universities to increase fees. Rather than it being simply a licence to raise fees, it ought to be a method to locate the best public investment opportunities in the interests of students. That means addressing a range of other issues, such as whether universities have decent bursaries; it means addressing infrastructure and whether the contracts that are doled out to the staff are satisfactory; it means better staffing and staff recognition. A range of things could be done—but oh no; this Government prefer to take the crude consumerist viewpoint. That is why organisations oppose this measure.

The University and College Union said:

“The proposed system would introduce high-stakes pressures on teaching staff and increase the likelihood of institutional ‘game-playing’

with variable tuition fee limits.

“Further increasing the cost of higher education to the individual is not conducive to widening participation”.

I have already mentioned the implication of the dramatic fall in part-time and mature students since 2012. I know the Minister is genuinely committed to widening access and participation. I find it astonishing that he does not recognise that to go down the route the Government propose, throwing in along the way one or two minor changes, which will not come in until 2018-2019, will improve the situation.

**Joseph Johnson:** Does the hon. Gentleman acknowledge that, since 2009-10, someone from a disadvantaged background is now 36% more likely to go to a university than they were when we came to power? That demonstrates that there is no inherent contradiction between the fee model we have put in place and continuing to make progress on widening participation.

**Gordon Marsden:** I acknowledge any improvements, however they have come, for people from disadvantaged backgrounds, but there is also the counter-evidence of the figures that I have given. The Minister knows, because he will have been lobbied very hard by the

Open University, Birkbeck and others, that there is great concern out there about the whole process. The Government have become complacent. Coming from a relatively low level of increase, the assumption is that they can continue to load debt on to young people. I come back to what I said. If they do that in the context of the teaching excellence framework, they are not helping students, not helping universities and not helping the social mobility that the Minister and I desperately want to see in this country.

In terms of the teaching excellence framework and the proposal as to how the ratings work and how the tuition fee will be linked to it, we should think about the people who advise those who might apply to universities. It was interesting to see the comments of the spokesperson for the large independent schools talking about this in the *TES* at the end of August. He said:

“What does this tell us about the way the HE sector views itself? Is it becoming fundamentally more commercialised? Are universities simply in a fight for survival?”—

he is talking about the rise in fees—

“Or are they just realistically pointing to the cost of what is still, let's not forget, a world-class sector?”

The Committee will have to excuse my French, as it were, but this is what he says:

“Perhaps, once the python has swallowed the pig, £9,250 has been accepted with a shrug of the shoulders and once-a-year rises are the norm throughout our big HE sector, this little storm will seem irrelevant. But I doubt it. Prospective students...need more than ever to consider their options carefully. For many, a strong UK university degree will still be absolutely the right thing...For others, a free...degree apprenticeship will be a better option.”

He also said others may look abroad and that

“as we take transition from school to university more seriously, it will be interesting to know how many of our graduates decide their degree was not worth the money paid.”

The Minister will have had representations, and rightly so, from the Campaign for British Universities and others on the alternative white paper, which suggests that the Bill should include

“A major opportunity...to review and reduce the burden of red tape facing all UK institutions. Yet this bill proposes additional and wasteful bureaucracy.”

It also makes the point that

“the TEF's costs will be borne by universities themselves, which will be forced to pass on these costs to students and their families. And, since even the highest TEF scores will only allow fee increases equal to inflation”

that will be a problem. It continues:

“The TEF is also entirely wasteful because there is simply no solid evidence that UK university teaching is of such poor quality that additional regulation is needed.”

I do not entirely share that perspective, but I do share the concerns of those people who are worried that the calibre of their teaching and what they are doing will be significantly affected by the way in which the Government are linking the TEF with increased tuition fees.

The TEF process really ought to have more debate on the Floor of the House. If the Opposition had greater confidence that the Minister and his team were looking at that broader element, we might be less severe in our criticisms. However, it is not just us saying such things.

In the Royal Academy of Engineering's submitted evidence, HERB 41, it welcomed the principle of the TEF and said it has

"long argued for improvements in the balance of teaching".

However, it also talked about the importance of the

"use of benchmarks for comparison between universities on aspects such as ethnicity and socio-economic deprivation."

Indeed, those are issues that my hon. Friends have already talked about. It continued:

"The Academy would like to see the TEF move towards a discipline based measure as soon as possible, as a TEF score for an entire university will not provide any meaningful data".

Therein lies the nub of it. That is an issue on which the Minister has been questioned on several occasions in diverse places and on which, thus far, we have no answers.

It is not unreasonable for people to be concerned about where that is going. It is not unreasonable for us to ask questions, and it is certainly not unreasonable for us to ask them when, yet again, we see the Government trying to shoehorn through a measure without proper scrutiny in the House, linking it in a way that will not be valuable and successful for our students or for our universities.

I remind the Minister that the two-year period the Bill proposes we now commence, of an "as you were" situation that will allow universities to increase their tuition fees to a yet unknown amount, will coincide with a period of huge political uncertainty as we manage to negotiate—or not, given the Government's current record—a satisfactory outcome to the referendum. We see today in the foreign exchange figures and all sorts of other figures how uncertain that process will be. We know already of the blockages and concerns in terms of research that HE institutions in this country say they will face as a result of Brexit, and we will no doubt return to those issues in part 3 of the Bill. In that situation, maintaining the quality of our universities and the understanding of the quality of UK plc internationally will be crucial.

We only get one chance with these things. If the Government ruin the potential of a teaching excellence framework by linking it inappropriately, by not addressing some of the major issues I have talked about and by producing a situation where students and universities feel unsatisfied and the rest of the outside world wonders what on earth is going on, they will inflict damage on the HE sector in this country—unwantedly—that would take decades to recover from. It is an act of complete and supreme folly at this time to use party political games to avoid having to make decisions about inflation-based rises in tuition fees and to shoehorn that into a framework that was never designed for that process. That is why we are profoundly concerned by clause 25 and the way in which the Minister has responded, and we shall oppose clause stand part.

**Joseph Johnson:** I am glad that the hon. Gentleman got the chance to make his big speech, having missed the first opportunity at the start of today's proceedings. He said he was late in arriving due to Network Rail. I pause on that for a second, because on coming into the House of Commons this morning, I overtook him on Great Smith Street. The Committee might be interested to know that he was looking at his mobile phone and

walking rather slowly. I was making my way purposefully in order to be here on time, so that I could hear his great speech, and I have finally now got it.

**Gordon Marsden:** Before we degenerate into discussion of the speed at which the Minister and I proceeded towards Parliament, he might like to note that I came into Victoria station, where the tube station was closed, and therefore was walking not at an unreasonably slow pace but at a reasonable pace. If he would like to return to the issues, instead of trying to score silly points, he might do better.

**Joseph Johnson:** I think I have made my point. Network Rail is running well under this Government and will continue to do so.

As hon. Members will know, the quality of our higher education system is something we are rightly proud of, but teaching is not always given the recognition it deserves. Teaching quality is of paramount importance. It frames the experience that students have while in higher education and determines their future opportunities and experiences in the workplace. Governments of both parties have recognised that we need to do more to drive up the quality of teaching in our institutions.

Information on teaching quality is not always available or clear to prospective students. According to the Higher Education Policy Institute, just 18% of students feel they have enough information on how their fees are spent, and one third would have chosen a different course if they had known what they do on completing. This information will shape their future, but prospective students are effectively making decisions blind. The teaching excellence framework, which was a Conservative party manifesto commitment, addresses that by setting a scheme for the impartial assessment of different aspects of teaching, including student experience and the job prospects of graduates.

The framework puts teaching on a par with our country's world-leading research, so that we not only get more students into higher education but ensure it is worth while for them when they get there. I am delighted that the devolved Administrations have confirmed they will allow their providers to take part in the TEF in year 2, meaning that we have one system that operates across the whole UK. The TEF will reward providers that deliver high-quality teaching for all. It will support the propagation of good practice across the sector, and it will address the information gap, giving prospective students more information about the teaching they will receive and the outcomes they are likely to obtain.

10.45 am

The TEF will also provide clear benefits to UK businesses by ensuring that graduates enter the workplace with the skills and knowledge that can be provided only by excellent teaching. When he gave evidence to the Committee, Neil Carberry made it clear that the CBI supported the TEF. For its part, the Institute of Directors said:

"At a time when the skills and productivity gaps are so great, the benefits of this to British business and the wider economy will be significant."

Providers that meet the high standards set by the TEF will be able to charge fees up to an inflation-linked maximum fee cap, which will be set by regulation and

subject to full parliamentary scrutiny. That will help to incentivise high-quality teaching and protect the sector's financial sustainability. For the first time, funding will be linked to the quality of teaching, rather than simply to the quantity of students.

The TEF structure will be introduced over the next four years. To begin with, TEF awards will last for three years, but my aspiration is that once the TEF assessment framework is fully embedded, TEF awards will be valid for up to five years. To begin with, TEF will be administered by HEFCE, which is already doing an excellent job with it. However, once the office for students is established, subject to Parliament, we want to have a clear power in legislation to allow it to take over the operation of the scheme. That is what the clause provides. In conjunction with schedule 2, it enables us more easily to link different fee ratings to differential financial incentives.

There is no attempt to hide the fact that clause 25 is about the TEF, as the hon. Member for Blackpool South suggested. We have been clear all the way through that that is exactly what the clause is all about. The clause is drafted to describe the TEF as a ratings system simply to give us the flexibility to implement the White Paper's policy objectives now and to make appropriate adaptations in future, as the teaching excellence framework develops.

**Dr Blackman-Woods:** I am very interested in what the Minister is saying. A lot of the information underpinning the metrics in the TEF has already been collected. Did the Department do any modelling of what the outcome would be, particularly for the gold-silver-bronze regime? Was there any attempt to measure the reputational damage that could be done to the sector if universities somehow slip inadvertently into the bronze category? Higher education in the UK has an excellent national and international reputation, which could be seriously impeded if the Government are not careful. Has any modelling been carried out?

**Joseph Johnson:** I thank the hon. Lady for her question. HEFCE has been developing the TEF on behalf of the Department and will have undertaken considerable analysis of how it will operate across the system. We are clear that the ratings are the reflection of the tough quality standards that we expect of our providers. We have a world-class HE system. The ratings will provide recognition on top of the tough quality standards that are imposed on all providers in return for securing entry into the system. I would not agree with any assessment that a bronze rating would be lowly; it would be a significant achievement.

**Paul Blomfield:** The relationship between the TEF and the financial sustainability of the sector is important, so I want to press the point made by my hon. Friend the Member for City of Durham. The Minister will agree with me on the importance of international students as a source of revenue, and I am sure we were both disappointed by the Home Secretary's comments last week. What consideration has been given to the impact of the TEF on international student recruitment? If it was part of an international move, that would be fine, but if we are unilaterally choosing to grade our universities and say that some are not as good as others, does the Minister not recognise that that is potentially a significant disincentive, at a time when we are already losing market share?

**Joseph Johnson:** The TEF, and its link to the inflationary uplift in fees on a conditional basis for those universities demonstrating high-quality teaching, will be important for the financial sustainability of the sector.

Let us start with the financial sustainability of the sector, which was the opening part of the hon. Gentleman's question. The TEF puts in place conditions that allow us to enable institutions to raise their fees in line with inflation. If we do not do that, as I said earlier in answer to the hon. Member for Blackpool South, the value of fees in real terms will decline to £8,000 per year by the end of this Parliament. That is unsustainable. As we have heard from many people who gave evidence to the Committee, we cannot come back here in 10, 15 or 20 years' time with fees still pegged at £9,000 when prices in the rest of the economy will have risen substantially. This is a responsible step to put the funding of our institutions on a sustainable footing.

I now turn to the other issue raised by the hon. Member for Sheffield Central about international students. We welcome international students and the contribution they make to our world-class university sector. That is why I was delighted this morning to announce that EU students applying to our universities for entry in the 2017-18 academic year will be eligible for the Student Finance England range of loans and grants, as they are now, for the full duration of their course of study, in the normal way. That demonstrates that this Government continue to welcome international students: they make a big contribution to our system.

**Wes Streeting (Ilford North) (Lab):** I welcome the announcement the Minister has made this morning. The concern the Opposition has outlined is that the TEF is being used as a Trojan horse for the increase in fees. It may be pegged to inflation now, but what is to stop a different approach in the future, once the principle is established? On that point, given the Home Secretary's speech at the Conservative Party conference, is the Minister not concerned that the bronze-silver-gold rating system could be linked to the international student visa system, with greater preference given to gold institutions, compared with silver or bronze?

**Joseph Johnson:** Before I respond, let me first touch on the issues raised by the hon. Members for the City of Durham and for Sheffield Central about the TEF and the reputation of the sector as it might be perceived by international students. We strongly believe that the TEF will enhance the overall reputation of the sector. We would be the first country to introduce such a system of assessing teaching excellence and students will have a better idea of what they can expect from their time of study here in England and in other parts of the country that choose to participate in it than they will anywhere else in the world. Providers with high levels of the TEF will have been through an extraordinary process of scrutiny that will help them market themselves more effectively around the world.

Let me turn to the other points on migration made by the hon. Member for Ilford North. As he will imagine, I am working closely—as are other members of the Government—with the Home Office on various options regarding student migration and, in particular, whether our student immigration rules should be tailored to the quality of course and educational institution. No decisions

have been made on the best way to do that. The Home Office has indicated that it will be consulting in the autumn on a number of measures to remove opportunities for abuse, while still ensuring that the UK can attract genuine students from around the world. I reiterate, for the hon. Member's benefit, that we will not be looking to cap the number of genuine students from outside the EU who can come to study in the UK. I hope that that provides him with reassurance.

**Gordon Marsden:** On that point, in relation to the broader point of reputational damage, the Minister is making great play of the fact that this will be a game-changer for us internationally, and so on; but the truth remains that, for good or bad reasons, students internationally do not know what the TEF will ultimately be based on. The Minister knows that there has been huge discussion about the inadequacy of merely giving one TEF rating to an individual HE provider, as opposed to schools or courses. How on earth can international students, or any students, have confidence in a system as a gold standard measurement when we have no further clarity on whether the TEF will be done on an institutional basis or on a school or disciplinary one?

**Joseph Johnson:** The UK, through the Quality Assurance Agency for Higher Education, has long been at the forefront of quality assessment processes around the world, and its expertise is sought after in a number of countries. We expect that the TEF will likewise have a pioneering effect around the world.

**Gordon Marsden:** On that point, will the Minister give way?

**Joseph Johnson:** No, I am not giving way, thank you very much. We believe that the TEF has the potential to enhance the reputation of UK higher education.

**Carol Monaghan:** Does the Minister understand the difficulty faced by HE providers in the devolved Administrations? They are now in a difficult situation whereby if they participate in the TEF, they have to go through two different systems of quality assurance, but if they do not participate in the TEF, they have no badge so they will be disadvantaged in the international market. They have been placed in a difficult position.

**Joseph Johnson:** I thank the hon. Lady for giving me the chance to speak exactly to her points about how the TEF will work in Scotland and in the other devolved Administrations. It is right that HE providers across the whole UK have access to the TEF and the benefits that it will bring. I am delighted that my devolved Administration counterparts have confirmed that they will allow their providers to participate in TEF should they wish to.

I appreciate that how the sectors operate in the devolved Administrations differs from how the sector operates in England. It is crucial that the TEF takes into account those differences so as to recognise excellence in teaching in whatever form it takes. To that end, officials in the Department for Education have been working closely with officials in the Scottish Government and the other

devolved Administrations. Our officials met with representatives of the Scottish HE sector in June and August.

I remind the hon. Lady of what Alastair Sim said in his evidence to the Committee a few weeks ago, when he noted that

“engagement with the Department for Education has been constructive and creative about how the metrics of the TEF might be configured in ways that take account of Scottish interests.”—[*Official Report, Higher Education and Research Public Bill Committee*, 6 September 2016; c. 67, Q103.]

The TEF framework for year 2, which was published on 29 September, was been adjusted to ensure that it can fairly assess the distinctive nature of HE provision in each of the four nations of the UK. That will allow the TEF to operate fairly across the UK, something the whole sector was keen to see.

I feel I have addressed the substance of the points raised, and I therefore ask the Committee to support the clause.

*Question put.* That the clause, as amended, stand part of the Bill.

*The Committee divided:* Ayes 11, Noes 5.

#### Division No. 8]

#### AYES

Argar, Edward	Kennedy, Seema
Chalk, Alex	Milling, Amanda
Churchill, Jo	Morton, Wendy
Evennett, rh David	Pawsey, Mark
Howlett, Ben	Warman, Matt
Johnson, Joseph	

#### NOES

Blackman-Woods, Dr Roberta	Smith, Jeff
Blomfield, Paul	
Marsden, Gordon	Streeting, Wes

*Question accordingly agreed to.*

*Clause 25, as amended, ordered to stand part of the Bill.*

#### Clause 26

##### PERFORMANCE OF ASSESSMENT FUNCTIONS BY A DESIGNATED BODY

**Joseph Johnson:** I beg to move amendment 42, in clause 26, page 15, line 21, leave out “either or both of”.  
*This amendment is consequential on amendment 43.*

**The Chair:** With this it will be convenient to discuss Government amendments 43, 45, 49, 50, 52, 53, 59 to 64, and 67 to 73.

11 am

**Joseph Johnson:** These amendments bring the Bill into line with the policy stated in the White Paper. All the amendments except for amendment 62 remove the power for the Secretary of State to designate a body to undertake the functions in clause 25 and therefore operate the TEF. The TEF, as we have been discussing, is central to the improvement of the student experience,

[Joseph Johnson]

which is of core interest to students, and as per our policy intent in the White Paper, I believe that responsibility for the operation of the TEF should be held by the office for students.

Our intention has always been for the OFS to operate the TEF and we do not envisage a need to require another body to undertake these functions. In the absence of a compelling case, I believe it is simpler, clearer and, from a legislative perspective, more proportionate to remove the power to designate a body to run the TEF functions. I reassure the Committee, however, that removing this power does not prevent the OFS from working with others on the delivery of the TEF, which I recognise might be desirable at some point in the future. The OFS could, for instance, contract a body to support its work on the TEF, just as HEFCE is working with the QAA on delivery of year 2 of the TEF.

**Gordon Marsden:** The Minister talks about working with other people on the structure of the TEF. I press this not in a combative way, but merely in the sense of wanting to have some information. Can he provide any indication as to when or from whom he expects the delineations to how the TEF is to be delivered—whether by institution or by discipline or by school? When are we likely to know about that?

**Joseph Johnson:** I urge the hon. Gentleman to read our consultation response to the TEF year 2 proposals, which we published on 29 September. This provides significant detail about how the TEF will develop in years to come.

Turning to amendment 62, our policy intent is to ensure a co-regulatory approach to quality assessment. Clause 26 allows Ministers to establish a clear role for a quality body, administratively and visibly separate from Government and the OFS, as recommended by the Select Committee on Business, Innovation and Skills earlier this year. Amendment 62 provides a new power for the OFS to give general directions to a designated quality body on how it should carry out the assessment functions. The OFS can give only general directions and must have regard to protecting the expertise of the designated body when giving those directions.

This is not about dictating how the designated body should do its job or about giving the OFS the power to intervene in or dictate the outcome of individual cases. This change is solely to deliver on what our White Paper said, which is that the designated quality body would design and operate the quality assessment system, reporting to and within parameters set by the OFS.

*Amendment 42 agreed to.*

*Amendments made:* 43, in clause 26, page 15, line 26, leave out paragraph (b).

*This amendment removes the ability to designate the functions in clause 25 (rating the quality of, and standards applied to, higher education) to be performed by the designated body and ensures that only the functions in clause 23 (assessing the quality of, and standards applied to, higher education) can be designated. Amendments 45, 49, 50, 52, 53, 59, 60, 61, 63, 64, 67, 68, 69, 70, 71, 72 and 73 are consequential on this amendment.*

Amendment 44, in clause 26, page 15, line 27, leave out

“an assessment function, the function does”

and insert

“the assessment functions, the functions do”.—(Joseph Johnson.)

*This amendment and amendments 47, 48, 54, 55, 58 and 66 ensure consistency of language with paragraph 1 of Schedule 4.*

*Clause 26, as amended, ordered to stand part of the Bill.*

## Schedule 4

### ASSESSING HIGHER EDUCATION: DESIGNATED BODY

*Amendments made:* 45, in schedule 4, page 73, line 7, leave out “either or both of”.

*This amendment is consequential on amendment 43.*

Amendment 46, in schedule 4, page 73, line 10, leave out “and standards of” and insert

“of, and the standards applied to”.

*This amendment and amendments 51 and 57 ensure that the language used in relation to standards in Schedule 4 is consistent with clauses 23 and 25.*

Amendment 47, in schedule 4, page 73, line 15, leave out

“be designated under this Schedule”

and insert

“perform the assessment functions”.

*See the explanatory statement for amendment 44.*

Amendment 48, in schedule 4, page 73, line 17, leave out

“be designated under this Schedule”

and insert

“perform the assessment functions”.—(Joseph Johnson.)

*See the explanatory statement for amendment 44.*

**Gordon Marsden:** I beg to move amendment 230, in schedule 4, page 73, line 29, at end insert

“(ca) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff”.

*See amendment 231.*

**The Chair:** With this it will be convenient to discuss amendment 231, in Schedule 4, page 75, line 20, at end insert

“(da) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff”.

*This amendment and amendment 230 would ensure that before recommending the designation of a body to perform assessment functions the OfS consults with bodies representing higher education staff.*

**Gordon Marsden:** In moving these two amendments, we wish to pick up a theme that we have previously expressed on several occasions: the office for students needs to be an office not just for students. So far, as regards the membership of its bodies, the Government have been relatively reluctant to do that. The OFS needs to address and promote the interests of higher education staff. This is a really serious issue. The Minister will have heard the concerns expressed by a wide range of higher education staff about this Bill and about issues to do with the TEF. There is also a general sense that the Government sometimes seem to think that all they need to do is to round up a certain number of vice-chancellors to say a certain number of things on a particular occasion and they will have the approval of

the whole higher education sector, but that of course is not the case. For the higher education sector to succeed and flourish, it needs the co-operation, collaboration and involvement of all its members, so, again, the amendments are designed to take us down that road.

The first amendment, 230, would straightforwardly insert into schedule 4 the appropriate phrase:

“a number of persons that, taken together, appear to the OFS to represent, or promote the interests of, higher education staff”.

The second amendment, 231, says the same thing. The purpose of both amendments—Opposition Members have touched on this issue previously—is to ensure that before recommending the designation of a body to perform assessment functions, the OFS consults bodies and, indeed, individual groups of higher education staff. If the Government want people at every level in the sector to buy into these reforms, as they regard them, and to buy into this new settlement with the OFS, it is crucial that the OFS has the broadest base of support and general enthusiasm across the sector. These modest amendments are designed to assist the Government in that process, and I hope that the Minister will feel able to be positive about them.

**Joseph Johnson:** I welcome the discussion, recognising the importance of a diverse range of views and interests across HE in ensuring that a suitable body is designated to manage the assessment of quality on behalf of the OFS. As the amendments and this brief debate have highlighted, the staff of our HE providers are of course an important part of what drives quality. That is clearly recognised in current practice. The views of HE staff and their representatives are sought by Government, HEFCE and others in consultations on decisions that introduce changes to the HE system. They are already represented on the advisory groups and committees of bodies such as the QAA and HEFCE. However, the amendments would introduce an additional level of prescription for the OFS that I do not believe is desirable. By providing a more prescriptive list of required consultees, we would run the risk that the OFS did not feel able to use the discretion provided under the schedule to consult such persons as it considered appropriate. The prescribed list should be limited to those who are fundamentally essential to taking a decision on whether a quality body is suitable and can deliver on the co-regulatory approach. I therefore ask the hon. Member for Blackpool South to withdraw the amendment.

**Gordon Marsden:** I will withdraw the amendment, but I am sad, yet again, that the Minister thinks that the only thing that matters is the people who sign the cheques or who press the buttons or take the decisions. *[Interruption.]* I am sorry, but that is the way it will be seen outside the massed ranks of the Government by many in the sector: this is an opportunity missed, as it has been missed so far on the Bill with students, to put them in the frame for a brand-new structure. That is what people will be concerned about. I will withdraw the amendment on behalf of the Opposition, but the Government should think very carefully about the way in which they are alienating so many people in the sector. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendments made:* 49, in schedule 4, page 73, line 39, leave out “either or both of”.

*This amendment is consequential on amendment 43.*

Amendment 50, in schedule 4, page 74, line 1, leave out “recommended function or functions” and insert “assessment functions”.

*This amendment is consequential on amendment 43.*

Amendment 51, in schedule 4, page 74, line 4, leave out “and standards of” and insert “of, and the standards applied to,”.

*See the explanatory statement for amendment 46.*

Amendment 52, in schedule 4, page 74, line 6, leave out sub-paragraphs (3) and (4).

*This amendment is consequential on amendment 43.*

Amendment 53, in schedule 4, page 74, line 19, leave out from beginning to “and”.

*This amendment is consequential on amendment 43.*

Amendment 54, in schedule 4, page 74, line 24, leave out “an assessment function” and insert “the assessment functions”.

*See the explanatory statement for amendment 44.*

Amendment 55, in schedule 4, page 74, line 27, leave out “function” and insert “functions”.—*(Joseph Johnson.)*

*See the explanatory statement for amendment 44.*

**Dr Blackman-Woods:** I beg to move amendment 232, in schedule 4, page 74, line 30, at end insert “and students”.

*This amendment and amendment 233 would ensure that the OfS consults students before body suitable to carry out assessment functions is designated.*

**The Chair:** With this it will be convenient to discuss the following:

Amendment 233, in schedule 4, page 74, line 32, after “providers” insert “and students”.

*See amendment 232.*

Amendment 4, in schedule 4, page 74, line 39, at end insert—

*“Bodies suitable to perform quality assessment functions: student representatives*

4A (1) A body is suitable to perform the quality assessment function under section 23 if, in addition to meeting conditions A to D, at least two of the persons who determine the strategic priorities of the body are currently enrolled on a course at a higher education provider.

(2) For the purposes of sub-paragraph (1), “course” means any graduate or postgraduate course.”

*This amendment would require the board of any body designated to perform the quality assessment function under section 23 to include at least two student representatives.*

**Dr Blackman-Woods:** It is a pleasure to serve under your chairmanship, Mr Chope.

The Minister says that the TEF or teaching quality assessment is a core interest for students. It therefore seems really odd that the body that might be deemed suitable to perform assessment functions does not have to pay any attention whatsoever to the student voice. If the amendments to paragraph 4 of schedule 4 were made, a body would be deemed

“suitable to perform an assessment function”

only if it represents

“a broad range of registered higher education providers”

and students, and if it

“commands the confidence of registered higher education providers”

and students. It seems to us a little perverse that the Government would want to establish a framework that allowed a body to assess teaching quality when it did

[Dr Blackman-Woods]

not have the confidence of the student body and would not even seek to assess whether the student body had any confidence in it. I look forward to hearing what the Minister has to say on these two modest but important amendments, because they would ensure that a body chosen by the OFS was deemed appropriate only when students and the student voice were represented and when the OFS was absolutely sure that the body also commanded the confidence of students.

I will finish by quoting the evidence given to the Committee by Sorana Vieru, vice-president of the NUS:

“We cannot talk about working for the benefit of students without involving students themselves.”—[*Official Report, Higher Education and Research Public Bill Committee*, 8 September 2016; c. 97, Q163.]

The Minister will know that it is already best practice throughout the sector to involve students in the quality assurance process. Why not put that in the Bill to ensure it happens?

**Wes Streeting:** It is a pleasure to serve under your chairmanship, Mr Chope. In speaking on amendment 4, which stands in my name, I return to my familiar hobby-horse of student representation in the Bill, in the futile hope that the Government have seen sense and taken into account the importance of including students in a Bill that is allegedly about them.

When I reviewed the record of yesterday’s debates in the Chamber, I thought for a moment that when I came into this Committee Room I might receive some good news from the Minister. My hon. Friend the Member for Bristol East (Kerry McCarthy) asked the Secretary of State for Education:

“If she will offer students places on the board of the Office for Students.”

The Secretary of State replied:

“We have made it clear that the Office for Students must have student representation, and we will take every opportunity to embed student engagement in the culture and structure of the new organisation.”

“Hallelujah!” I thought. “We’ve had a breakthrough. The Secretary of State has clearly been reading the Committee’s debates and been so persuaded by our arguments that she has made an exciting announcement.” However, in the next column I read the Secretary of State’s response to the hon. Member for Bath, who represents a significant number of students at Bath University and Bath Spa University. He said:

“Adding students to the board of the Office for Students would put at risk representation and engagement with students”—

quite how he reached that conclusion I am not sure. The Secretary of State then said, toeing the Minister’s line, that

“we do not want to be over-prescriptive”. —[*Official Report*, 10 October 2016; Vol. 615, c. 1-2.]

Sadly, I was not in the Chamber at the time, so I do not know whether the Minister leant across to have a word in the Secretary of State’s ear to get her back on message, but it was very disappointing.

So here I am, trying to make the case that students should be represented on the board of a designated quality provider. We use that language because, for reasons that also escape me, the QAA is not automatically the designated quality provider. Instead, we have to go through a ludicrous and wasteful tendering process to

reach the obvious conclusion that the Quality Assurance Agency should be the designated quality provider. In that context, I want to ensure that whichever body is designated to perform the quality assessment function under section 23 should have at least two student representatives on its board.

This is actually existing practice: the board of the QAA currently has among its membership the vice-president for higher education of the National Union of Students and, for this year at least, the education officer of Cambridge University Students’ Union. There are two student voices, one directly connected with an institution and the other representing students on a national level, although currently on a break from a PhD. It seems to me that the QAA has already reached the right conclusion and we should make sure that the future designated quality providers also reach that conclusion.

11.15 am

**Carol Monaghan:** Of course the team that carries out the reviews in Scotland—the enhancement-led approach—is a team of six reviewers, including one international reviewer, three senior UK-based academics, one co-ordinating reviewer and one student. Should we be looking to Scotland here?

**Wes Streeting:** I have long admired the quality enhancement approach of the Scottish higher education system and think the Scottish higher education sector has often led the way on student engagement in the quality enhancement process. The committee for QAA Scotland includes the head of Student Partnerships in Quality Scotland, the organisation that brings the sector together with student representatives to look at quality enhancement, and it does address the concern.

I have heard in some quarters—this comes to the point the hon. Member for Bath was trying to make in the Chamber yesterday—the argument that if there are students on the board of an institution, that somehow diminishes the need to engage students elsewhere within the institution. In the Quality Assurance Agency, there are two student representatives on the board, there are students represented elsewhere on committees in it, there is a whole committee dedicated to student engagement, and there are students involved in quality assessment as part of institutional review teams—not just in Scotland but in England as well, following the Scottish lead. That is a great model because the QAA has recognised, both in principle and through the benefit of experience, that involving students in a meaningful way in the quality assurance process has benefits for everyone. The student voice has to be involved and engaged. It is critical for helping to measure quality and making sure students get what they are promised.

**Ben Howlett:** If the hon. Gentleman had not tweeted earlier the fact he was going to ask this question, I would have had to come up with this on the spot. His point regarding the QAA is interesting. I agree that there should be student engagement throughout the entire system, but the point the QAA was making in oral evidence and in writing was that we should not have student representation on boards, even though it does at the moment, but that we should making sure we engage with students throughout the entire process. If we think about what it is saying, this is not working, so we have to look at a much more holistic approach to student engagement throughout the system.

**Wes Streeting:** If that were the case, the QAA would need to come back and explain why it chooses to have students on its board. The hon. Gentleman is misrepresenting what the QAA said. What it has said, quite rightly, is that it is important to engage students at every level and to have meaningful engagement and dialogue with students beyond simply putting them on the board of an institution. I have not heard anyone from the QAA say—but I am happy to see the evidence printed in black and white in the record or written evidence—that institutions should not have students on the board of higher education institutions, and I have not heard anyone say that the office for students should not have student representatives on the board. If that were the case, they would be arguing against their own student representation on the board of the QAA, which I think they value because it has been there for some time and continues to be present.

I do not agree with the false dichotomy that the hon. Member for Bath has put forward. I do not think it is either/or. I agree with him: we do not just want students represented on the board and we need meaningful engagement throughout the system, but that is not a choice; both are necessary for the benefit of everyone involved in higher education.

Having made these arguments, I hope the Minister is inclined to follow existing practice at least, by making sure that whichever organisation is appointed as the designated quality provider follows the QAA's practice of having at least two student representatives on the board. We are now nearing the end of this Committee stage. I hope that the Minister appreciates that the continued resistance to having guaranteed student representation is making the Government's words on student engagement and the centrality of students to the Bill ring rather hollow.

**Joseph Johnson:** Again, we have had a good debate on the importance of student involvement in the HE sector and its systems and structures. I certainly agree that the quality body will need to represent the diverse interests across the HE sector, including those of students.

Hon. Members will be pleased to note that that there is already good practice established by the QAA of building student representation into the quality system. To summarise, the QAA includes two student representatives on its board of directors, has established a student advisory board to provide support, and includes students in its review and scrutiny processes for degree-awarding powers. Crucially, however, this is not set in legislation. It happens because it is considered to be an effective way of making an informed assessment of quality—an approach I hope will continue. The arrangements for the two student board members are set out in the QAA's articles of association, and this is a more appropriate level for such stipulations to be made than in legislation itself.

The conditions set out in paragraph 4 of schedule 4 are there to ensure that we can establish an effective co-regulatory approach with the sector, as recommended by the Business, Innovation and Skills Committee. It is not designed to prescribe specific interests, but instead to make clear that the quality body should represent and have the confidence of a broad cross-section of the sector. I am keen that paragraph 4 remains flexible and not prescriptive, to guard against the risk that at some

point in the future a suitable and well qualified body could be disbarred from designation on a technicality. This does not, however, prevent a designated quality body from involving student representation as an effective way to carry out its quality assessment functions.

Even without legislation, when future Secretaries of State come to a view on whether a body is capable of performing the assessment functions in an effective manner, I would imagine that they would look at a range of matters. These may include whether the student interest was represented within the organisation and whether that representation or lack thereof would have an impact on its capability. However, I recognise that hon. Members are making clear the importance of continuing this level of student engagement within the quality body. I also appreciate the strategic level on which amendment 232 in particular asks for this to be considered, rather than over-specifying the membership of the independent quality body itself. However, I remain confident that any designated quality body would include such representation without the law having to specify it. I therefore hope that the hon. Lady is reassured, and ask that she withdraws her amendment.

**Dr Blackman-Woods:** I have to say to the Minister that I really do not follow his logic at all. What is being argued is that the reason we are going through the whole assessment of quality is so that students get information that will help them to understand more about the quality of teaching in an institution. Yet somehow the student voice is not being put in the Bill as a group of people who must have confidence in the body that is being set up. That seems to me to be absolutely extraordinary. It does not make any sense at all.

**Joseph Johnson:** Part 2 of schedule 4 states that the OFS must consult with people representing a broad range of students before recommending a suitable quality body, so we will be consulting students. The OFS itself, as we have discussed previously, will include on its board people who must have experience of representing the student interest.

**Dr Blackman-Woods:** I have heard what the Minister says, but unfortunately because of the way in which paragraph 4 is constructed it is very clear about the body representing a broad range of higher education providers and having the confidence of the higher education providers. We are not saying that that is unimportant, but it is equally important that students have confidence in the body and are represented on the body. I do not think that we are going to resolve this issue at the moment, but I ask the Minister to take this issue away, look at it again, and see if he can come up with a form of words that would keep everybody happy. I will be happy to withdraw the amendment—

**The Chair:** We have to adjourn. The hon. Lady will need to withdraw her amendment after we return at Two o'clock.

11.25 am

*The Chair adjourned the Committee without Question put (Standing Order No. 88).*

*Adjourned till this day at Two o'clock.*

