

## **UCU Scotland submission to Education and Skills Committee on the legislative consent motion relating to the Higher Education and Research Bill**

The University and College Union (UCU) is the largest trade union in the post-16 education sector in the UK, representing over 110,000 academic and related members across the UK, and is the largest union in the higher education sector in Scotland.

UCU welcomes the opportunity to contribute our views on the legislative consent motion (LCM) relating to the UK parliament's Higher Education and Research Bill (the bill).

At a UK level UCU has been prominent in opposing the Higher Education and Research Bill, which proposes significant changes to the regulatory and financial framework of UK higher education. UCU is concerned that the proposals will not achieve the UK government's stated aim to improve quality of, and access to, higher education in the interests of students.

Following the 23 June 2016 vote for the UK to leave the EU, and the high level of uncertainty which this is already causing higher education institutions, UCU has called for the bill to be halted. We believe that the UK government should commission an immediate independent inquiry into how, following the EU referendum result, we can ensure that UK colleges and universities remain at the forefront of cutting-edge research and open to staff and students from around the world. Whilst the Scottish government has acknowledged many of the Brexit challenges and uncertainties facing universities, it seems strange to now be presenting a LCM to take forward aspects of UK legislation that UCU considers is flawed and unnecessary.

The LCM seeks to allow Scottish HEIs to:

- 1) Participate in the Teaching Excellence Framework (TEF) if they wish;
- 2) To provide for joint working between the Scottish Funding Council and new Office for Students and UK Research and Innovation; and
- 3) Clarify the role of the Secretary of State in setting conditions in funding research.

Whilst UCU has argued consistently at UK level against the measures that are set out in the Higher Education and Research Bill, two aspects of the LCM deal with technical issues and the relationship between Scotland and the UK research framework. We acknowledge that these two measures, the second and third of the proposals in the LCM, are necessary proposals, in light of the proposed bill, to ensure that the UK wide nature of research funding takes into account the Scottish higher education sector. We would however urge the Scottish Parliament and Scottish government to support our calls for the inclusion of

more robust stipulations concerning the governance structure of the Office for Students, including proper staff and student representation on the body.

However, with regard to the Teaching Excellence Framework, UCU has serious concerns at the manner and context in which this is now being introduced in Scotland. We have always maintained that the existing Scottish quality assurance framework works well, and that even in the light of the new framework for England, that there is no need to have anything other than a Scottish system, different but equivalent, for our HEIs.

We fundamentally oppose the UK government's plans to link variable tuition fees to a rating system for university teaching that is outlined in the bill, and UCU in England has been active in highlighting these concerns during scrutiny of the bill.

It is particularly disappointing that the Scottish government appears to be allowing this system into Scotland by the back door without effective scrutiny and debate. We do not believe that this is a system which the Scottish government would be considering on its own merits, and it should not bow to pressure from its neighbour to conform with a system which is not fit for purpose. While some Scottish institutions have suggested that involvement could be beneficial, this thinking is not universal. However, the voluntary involvement of some institutions would only increase the pressure on others to be involved so as not to be left behind.

We have seen this tendency evidenced with the tuition fees policy in England to date. The UK government anticipated it would lead to institutions charging widely variable fees between £6,000 and £9,000, but the reality has been that most institutions have decided to charge the highest possible fees – in no small part because they do not wish to be seen as offering an inferior product.

The Scottish government has proudly set out its policy of higher education being tuition-fee free, and has made political capital of avoiding the worst excesses of the market in higher education. Yet, this LCM will allow for greater competition and marketisation of our higher education sector in Scotland.

UCU is concerned that the proposed Teaching Excellence Framework (TEF) – the system by which institutions would achieve the “high level rating” outlined in the Westminster bill – is:

1. Based on flawed metrics (accepted by the UK government as useful guides to quality, despite an extensive range of research and professional critiques which challenge that view)
2. Likely to be unhelpful in failing to address many of the workforce issues which impact on quality in universities; and
3. Not subject to adequate parliamentary scrutiny at Westminster – let alone in Holyrood.

UCU supports a system of quality assessment which is based primarily on peer review rather than quantitative measures which cannot by their nature account for context. We also note that existing proposals are for current QAA designations of quality to be used for the first round of the TEF, and question

why these would not be sufficient to continue for subsequent rounds if this was a serious attempt to measure quality.

Furthermore, UCU believes that the employment model used in universities, which relies extensively on temporary teaching, has a direct impact on quality, but this is not addressed by the TEF. Despite the best efforts of many excellent temporary teachers, the current situation is not sustainable. Temporary contract working is endemic across UK and Scottish higher education. Job insecurity impacts on the quality of the student learning experience, for example by limiting the time which teachers can spend on the marking and assessment process, and because staff on casual contracts have less access to professional development.

We oppose the introduction of the TEF because, as currently planned:

- It is based on flawed metrics;
- It will not achieve the UK government's professed aim to improve teaching quality;
- It establishes pressure to 'dumb down' course content and/or inflate grades to encourage positive student ratings, thus producing less resilient and capable HE graduates;
- It should not be the mechanism used to determine tuition fee levels in institutions; and
- It has not been subject to sufficient parliamentary scrutiny.

In a Scottish context, we can see that some HEIs, particularly those with large numbers of students coming from the rest of the UK, might believe that they need to participate in the system because they feel the need to be seen in the league tables that will undoubtedly be drawn up once the TEF comes into being. Yet we also recognise that the quality assurance system for higher education in Scotland is already different from elsewhere in the UK, and has been so for some time. We would therefore argue that if they are not disadvantaged now, then they would not be disadvantaged by an England and Wales-only TEF as long as the status quo respective between the two countries is maintained with England and Scotland having separate quality assurance mechanisms.

The Scottish government's continued support for the policy of no tuition fees, along with the passing of the HE Governance Act earlier this year showed, amongst other measures, that it is prepared for higher education to both be different from and less prone to encroaching marketisation than the sector in England. UCU has wholeheartedly supported the Scottish government on its policies on governance and education without fees. However, there is a real danger that giving Scottish HEIs the option to participate, simply increases the pressure on every Scottish institution to do so. We would then be seeing an agenda of marketisation, league tables and competition in our universities which has no mandate in Scotland, being forced on Scottish higher education by default.

Furthermore, the continued rise in tuition fees associated with TEF could lead to greater pressures on the Scottish higher education budget. Universities in receipt of the highest TEF award may find themselves under pressure to charge the highest fees to rUK students in order to maintain parity of esteem. This could

place additional pressure on the Scottish government to allocate extra teaching resource as the 'ticket price' of a degree at some institutions rises.

We note that the Scottish government has indicated in the narrative to this LCM that they engaged with both Universities Scotland and NUS Scotland informally on the provisions in the bill and proposed amendments. We welcome consultation with the university principals and students but consider that, with the exception of the level of tuition fees, the TEF primarily impacts on teaching staff on a day to day basis, and this consultation should have included UCU as the trade union for academic and academic related staff. It is disappointing that communication with UCU has been late in the day on this issue.

## **Summary**

In summary, UCU has called for the bill to be halted in the wake of the Brexit vote. If the bill continues, we support measures to ensure that the UK research framework works for Scotland. We do not support measures to allow Scottish institutions to participate in the TEF. Scottish higher education policy diverges from the rest of the UK at present in many ways and to the benefit of the sector, staff and students. We believe that the quality assurance system in Scotland works and we should focus on maintaining and enhancing a Scottish system which is effective for Scottish higher education, rejecting the TEF and the flawed metrics upon which it is based.

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