

## Higher Education and Research Bill

### House of Commons briefing from the University and College Union (UCU) – April 2017

The University and College Union (UCU) is the UK's largest trade union for academics and academic-related staff in higher and further education, representing over 60,000 members working in UK universities. We also represent over 30,000 members working in further education colleges, many of whom teach undergraduate and other HE courses.

UCU is concerned that the Higher Education and Research Bill will not achieve the government's stated aim of improving the quality of, and access to, higher education in the interests of students.

Following the vote for Brexit, UCU also believes that this is the wrong time for a major overhaul of the sector, and has called for the bill to be halted.

Throughout the progress of the bill so far **UCU** has:

- Opposed measures which open the sector up to marketisation and make it **easier for new providers to award their own degrees and gain university title**, especially where those providers are operating for-profit;
- Opposed measures which give the Secretary of State/Office for Students powers which **threaten university autonomy and academic freedom**;
- Opposed the use of a **Teaching Excellence Framework (TEF)** as system for rating universities and determining tuition fee levels;
- Called for **increased parliamentary scrutiny** of any measures which would be used for tuition fee variation;
- Called for **stronger representation of staff** within the regulatory structures, and increasing the **duty to consult staff** representatives on future policy decisions;
- Pushed for **more openness and information around workforce issues** such as use of non-permanent contracts and staff to student ratios;
- Pushed for **stronger requirements on institutions to widen participation** and promote access.

## Amendments in the House of Lords

Although UCU remains opposed to the bill overall, we have **welcomed** a number of Lords amendments which seek to address the main concerns raised by staff and improve the bill. We are now calling on MPs of all parties to stand against any attempts to dilute improvements that have already been debated and agreed to.

We were pleased that opposition amendments around tuition fees, TEF ratings, degree awarding powers and international students were passed, and that campaigning from the sector pushed the government to propose further changes to the bill such as placing more emphasis on collaboration and university autonomy.

UCU is encouraging MPs to support the following alterations to the original bill:

- **The Teaching Excellence Framework (TEF) may not be used to set variable tuition fees** or to restrict recruitment of students, including international students. *(Lords amendment 19, relating to new clause 12)*
- **The TEF may not be used to rank higher education providers**, as had been proposed under the gold, silver and bronze rating system. Instead it must “evaluate and report on whether an institution meets expectations or fails to meet expectations on quality measures”. Furthermore, **TEF metrics must be scrutinised by the Office for National Statistics**, and formally approved by both Houses of Parliament. *(Lords amendment 72, relating to clause 27)*
- Peers voted to **remove international students from net migration targets** and to give **protection to university staff from restrictive immigration controls**, responding to concerns raised by many in the sector about the impact of both Brexit and the proposed reforms on recruitment of international staff and students. *(Lords amendment 150, relating to new clause 90)*
- **Before gaining degree-awarding powers, new providers will now need to meet more robust criteria**, by demonstrating either a track-record of four years working with an existing provider or by satisfying the needs of the OfS’s Quality Assessment Committee. This is something that UCU had called for in order to protect the quality and reputation of the sector. *(Lords amendment 116A, relating to new clause 47)*
- Students should now be able to be **automatically placed on the electoral register**, reversing the effects of Individual Electoral Registration introduced in 2014, which has seen many students drop off the register. *(Lords amendment 52, relating to clause 15)*
- **Appeal against the removal of university title and degree awarding powers** on the grounds that the decision was wrong must also now be allowed. *(Lords amendment 117, relating to clause 48)*

The following amendments were also tabled by the government in the Lords:

- **University autonomy:** New amendments outline universities' freedom 'to conduct their day to day management in an effective and competent way' and put the freedom of academic staff to 'to question and test received wisdom' on the face of the bill.  
*Although this emphasis is welcome, the new amendments do not offer the definition of university functions in the new clause 1 which they are designed to replace. UCU supports the assertion that universities should offer a broad range of subjects, promote lifelong learning, protect academic freedom and freedom of thought and expression, and contribute to society; we would therefore not wish to see the functions set out in clause 1 lost from the face of the bill.*
- **Degree-awarding powers:** A new amendment to clause 44 stipulates that the OfS must request advice when awarding, varying or revoking degree awarding powers. Specific conditions will now need to be met before a provider's degree awarding powers or university title is revoked and the Office for Students will no longer have the power to remove Royal Charters entirely.
- **Accelerated degrees:** Amendments to schedule 2 allow higher fees to be charged for accelerated courses.  
*Although UCU supports a range of modes of delivery, we remain concerned that encouraging institutions to offer more high-cost, shorter degrees risks worsening ties with other countries and will do little to open up the university experience to more students. Full details of UCU's concerns are set out in our [consultation response](#).*
- **Duty to collaborate:** The amendment to clause 3 requires OfS to have regard to the benefits of 'collaboration' between higher education providers, not just 'competition' as was originally the case.  
*This is something that UCU specifically asked for and we welcome this amendment. We also welcome government amendments which will place greater emphasis on the need for OfS and UKRI to collaborate with each other and the devolved nations.*

*If you would like further information about the issues contained in this briefing, please contact the UCU parliamentary team on [publicaffairs@ucu.org.uk](mailto:publicaffairs@ucu.org.uk)*