



HEFCE Teaching funding and student number controls. Consultation on changes to be implemented in 2012-13.

September 2011 – copy of SPA’s online response

This is the first stage of a two-stage consultation seeking comments on proposed changes to the way HEFCE fund teaching and allocate student numbers in England, in the policy context set by the Government’s White Paper on the future of higher education: *‘Students at the Heart of the System’*. The changes proposed in this stage of the consultation would be implemented in academic year 2012-13.

1 Following the changes to funding for higher education agreed by the Government, we need to phase out the mainstream teaching funding relating to old-regime students. Do you have any comments on our proposed approach? You may wish to suggest alternatives, with reference to the principles in paragraph 34 of our consultation.

SPA will not be providing a response to this question as it falls outside of our remit.

2 Given the reductions to HEFCE’s teaching grant from 2012-13, do you have any comments on our proposal that certain non-mainstream allocations should be phased out, and others continued as an interim measure in 2012-13, as described in paragraphs 62 to 92 of our consultation?

SPA will not be providing a response to this question as it falls outside of our remit.

3 Following government changes to funding for higher education, we need to change the way HEFCE provides teaching grant for new-regime students. Do you have any comments on our proposed approach for 2012-13, as outlined in paragraphs 31 to 108 of our consultation?

SPA will not be providing a response to this question as it falls outside of our remit.

4 We have been asked by the Government to remove students achieving AAB+ equivalent from the student number controls. Do you have any comments on our proposed method of implementing this, as outlined in paragraphs 116 to 128 of our consultation? Please identify any possible negative or positive impacts from this proposal.

SPA considers that the proposals would create an unfair structure for determining entry to higher education and create barriers to a wide group of applicants with high potential to succeed. The restricted nature of the proposed controls may exclude applicants from a less traditional background who would otherwise have been considered as ‘most suitable’ for higher education study. We believe the proposal is counter to the 2004 Schwartz Report *Fair Admissions to Higher Education: Recommendations for good practice* which states there must be, “Equal opportunity for all individuals, regardless of background, to gain admission to a course suited to their ability

and aspirations.”

Specifically:

1. The equivalencies, as listed in annex C, are not an accurate reflection of comparability.

It should be noted that the UCAS Tariff, on which the equivalences appear to be selectively based, is currently under review, as it has not been able to keep pace with the number, diversity and complexity of qualifications since its introduction. Many higher education providers do not use the Tariff and, of those who do, many do not use it for all qualifications listed within the Tariff.

Taking the International Baccalaureate (IB) as an example, annex C cites 29 points or more as equivalent to AAB+. This is not a true equivalence. The IB Diploma is a group award comprising three higher level and three standard level subjects and additional core elements. Of IB Diploma students 57% achieve 29 points or more (IBO figures, May 2010). It is possible for an IB Diploma student to fail to complete the Diploma and obtain a Certificate worth 29 points or more. Therefore this proposal would recognise unsuccessful IB Diploma students over and above highly successful A Level students.

Better comparisons, in line with what institutions actually use, could be to allow additional subjects around the three A Levels (e.g. additional A, AS and Extended Project), raise the IB points required (e.g. to 34+) or restrict consideration of the IB Diploma to those with higher level subjects at grades 6-7.

More robust equivalences should be obtained for all the listed qualifications following consultation on this specific issue with the sector.

2. The equivalences, as listed in annex C, do not encompass enough of the range of qualifications and prior learning that higher education providers may consider.

We appreciate HEFCE’s need to accurately predict, control and limit the number of students meeting their AAB+ equivalent. However it should be noted the current list excludes a number of qualifications as well as non-certificated learning, putting these applicants at a significant and unacceptable disadvantage. The exclusion of any qualification could have a negative impact on widening participation, and this may be particularly harmful for qualifications that currently attract high proportions of disadvantaged, or less traditional, entrants to higher education. One example is the Access to HE Diploma, taken by approximately 25,000 applicants each year (often mature students from disadvantaged backgrounds). It is also notable that the Welsh Baccalaureate core has been excluded and whilst this is not of direct concern to HEFCE, it may constitute a direct disadvantage to applicants from Wales applying to study in England compared to applicants from Scotland.

HEFCE should be mindful that a list of equivalencies will generate a perceived value of any nationally recognised qualification.

There is a requirement to treat all EU citizens equally but the Irish Leaving Certificate appears to be the only non-UK EU qualification listed in annex C. This indicates that in principle HEFCE considers it acceptable to include non-UK qualifications from within the EU, but currently non-Irish EU nationals will be disadvantaged in applying to English higher education providers.

The criteria for determining what constitutes an appropriate type of qualification to be included as AAB+ equivalent must be made clear and should be robust enough to withstand legal challenge.

3. The equivalencies, as listed in annex C, do not facilitate the use of contextual data in recognising potential and making offers that redress disadvantage.

Use of contextual data has been a specific recommendation in the government's social mobility agenda. Section 4.45 of *Opening Doors, Breaking Barriers: A Strategy for Social Mobility* states, "If selective institutions are to make progress in admitting more students with high potential from disadvantaged backgrounds, they may want to admit some such students on the basis of lower entry qualifications than they would normally require."

Every effort should be made to allow higher education providers who normally admit on grades AAB to consider contextual factors for disadvantaged applicants who fall slightly below the AAB threshold. To ensure equal opportunity, this group should be considered alongside their AAB+ counterparts and not form part of a separate, limited quota.

SPA will be reviewing and updating the principles of fair admissions in the new higher education environment throughout 2011/12. We would be happy to discuss ways in which the risk of unfairness in the AAB+ equivalent proposal can be mitigated, through reconsideration of equivalences or dissemination of good practice to higher education providers in managing applications under the new structure.

5 The Government has asked us to consult on a core/margin approach to re-allocating places towards lower fee provision in order to increase choice, competition and fee diversity. Do you have any comments on our proposed method of implementation, as outlined in paragraphs 129 to 139 of our consultation? Please indicate any impacts you can identify, whether positive or negative.

SPA is concerned about the timing of such allocation. The majority of full-time undergraduate applications are submitted between mid-September to mid-January each year (which guarantees them 'equal consideration' with each other) and most higher education providers consider applications as they receive them. Applicants' choices are based on information available via UCAS, providers' websites and prospectuses, published well in advance. Any late allocation of places by HEFCE may lead institutions to change fees and entry requirements or give different consideration to applicants after applications have been received. This means that applications will have been made based on inaccurate information.

Specific points to note include:

1. Paragraph 137 of the proposal states that institutions commit to an average fee of £7,500 or below, "Should their bid be successful." This suggests that any provider that is unsuccessful in gaining places from the margin could raise fees back to any maximum agreed with OFFA. As different applicants will have applied and been made offers before, during and after the bidding process, there could be significant uncertainty for all applicants, not only over how many places are available, but what fees they will be charged. Higher education providers may find themselves legally obliged to honour the fee rate cited at the point the contract to admit was formed, therefore changing published fees mid-cycle will cause very real difficulty.
2. Paragraph 138 discusses ways of measuring the quality of provision. We appreciate HEFCE's desire to make an holistic assessment but we are surprised at the idea that an additional and previously unknown measurement of quality should be used. If a course is not of sufficient quality, we would expect the QAA or HEFCE to have taken action earlier to bring this to the

provider's attention. Any new judgement made during the admissions cycle outside the normal quality assurance process could unduly impact on applicants' and advisors' perceptions of individual courses. Despite the mention of the use of 'other objective indicators' to measure quality, these are not defined and therefore it is impossible to comment. SPA would wish to see indicators more directly related to providers' intended allocation of additional places.

3. It is important that admission based on reallocated places is conducted fairly and that applicants who apply by normal deadlines prior to the reallocation process are not disadvantaged. We would therefore recommend that any bid include details on how providers would manage the admission of reallocated numbers. This could include course-level statistics on current application numbers, highlighting numbers qualified for entry that have not been offered a place because target limits have been reached. Successful providers would then be in a position to make offers to such applicants, allocating places where there is existing demand. It should also be a requirement that any institution bidding for reallocated places has a published admissions policy which is accessible on their website.

Should HEFCE be interested in ensuring consideration of fair admissions through redistributed places, SPA would wish to contribute to the panel of experts.

6 Do you have any comments on the impact(s), positive or negative, that the proposals in this consultation will have on equality and diversity?

SPA believes the inherent unfairness of the proposals, as outlined in responses to previous questions, will have a disproportionately adverse effect on various disadvantaged groups.

Based on the figures supplied in the consultation annexes, and due to a range of reasons, the following groups appear less likely to achieve AAB+ equivalent:

- Disabled students
- Black students
- Students from lower-socio-economic groups
- Males

Of course there are long-standing issues behind academic attainment of such groups and entry to higher education. However, the proposals exacerbate the problem and promote disincentives to higher education providers redressing disadvantage. One way to mitigate the effects on these groups would be to allow universities and colleges to apply contextual factors when considering AAB+ equivalent students. In effect they would be able to take disadvantaged students with less than AAB+ equivalent without them counting towards their student number controls.

We are concerned that an AAB+ equivalencies list may constitute indirect racial discrimination under the Equality Act. This is due to the effective exclusion of students otherwise eligible for HEFCE funding because of their home nation's education programme and qualifications. It is essential that the process for deciding the conditions to determine an equivalent qualification, and the level at which equivalence is set, is comprehensive, consistently applied across all qualifications, proportionate to satisfying a legitimate aim and robust enough to meet legal challenge.

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Responding as : Other - non-government organisation

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