



Realigning the UK higher education system: Learning from the devolved nations

Executive summary

Since the implementation of the *Higher Education and Research Act* (HERA) and the adoption of a risk-based regulatory system in England, divergence has emerged between England's approach to external quality assurance and that of the other three nations within the UK. Although QAA believes a risk-based proportionate approach to quality regulation is appropriate for a sector as diverse and complex as England, we believe this can be achieved while maintaining alignment with internationally agreed and UK-wide principles of quality.

Notably, England has not only deviated from internationally recognised good practice such as the European Standards and Guidelines (ESG) (see [Instilling international trust in English higher education](#) policy paper for more information) but it has also departed from sector-owned, common UK-wide quality benchmarks, particularly through the removal of the UK Quality Code for Higher Education from the English regulatory framework. This has the potential to create substantial barriers for cross-UK cohesion. International stakeholders tend to view UK higher education as a single entity; changes in one nation - in this case England - can negatively impact the international standing of UK higher education and subsequently create barriers for international mobility.

The absence of UK sector-wide standards from the English regulatory framework weakens comparability in the quality and standards of higher education across the UK and, by consequence, may create additional burden for providers operating across multiple parts of the UK. Approximately 57,000 students from other parts of the UK were enrolled in an English university in 2021-22 with around 80,000 English students studying across the other nations of the UK.¹

Although education is a devolved matter, and the distinctive sectors in each of the four UK nations reflect this, the benefits of collaboration, knowledge exchange and student mobility demonstrate the importance of UK cohesion within and beyond nations' borders. Not only beneficial within the UK, this alignment is instrumental in ensuring that the UK remains an internationally attractive and respected destination for students.

¹ www.hesa.ac.uk/news/19-01-2023/sb265-higher-education-student-statistics/location

In light of these challenges, we recommend that the Westminster Government supports cross-nation alignment and collaboration, including by realigning the quality assurance approach in England with that of the other nations. In advocating for realignment, it is important to acknowledge that some degree of policy divergence will be necessary to account for the unique characteristics of tertiary education in each respective nation, in the spirit of devolution.

What can England learn from the other UK nations?

A periodic touchpoint supports transparency and informed decision-making

The approach across the devolved nations involves a periodic touchpoint that assesses the quality of every regulated higher education institution on a regular basis. Approaches to quality assessment are designed and implemented in collaboration with the sector, including staff and students, and result in a published assessment of the quality arrangements within each registered higher education provider.

This process ensures that funder-regulators have access to current information on a regular basis to inform any regulatory decisions and to provide reassurance about an institution's capacity to enhance the quality of their provision. It also creates a public record of quality in each provider which is accessible to current and prospective students, and other stakeholders including the public. This also aligns to requirements within international standards (the ESG).

In contrast, the approach to implementing a risk-based model of regulation in England has resulted in an absence of current public information on the quality of higher education provision. Addressing this divergence through the restoration of a risk-based and proportionate periodic touchpoint with all registered providers in England would ensure that information on the quality of higher education is published and updated on a regular basis, contributing to a culture of continuous improvement. An impartial public record of quality in English higher education could help to combat existing discourse that talks down the quality of provision,² and instil trust that higher education will continue to provide students with what they expect - supporting them to positively contribute to the economy and wider society when they graduate.

The independence of the quality body ensures that reviews can be trusted

Quality review of higher education provision in Scotland, Wales and Northern Ireland carried out by an independent quality body helps to assure and enhance the student learning experience and improves trust in the integrity of each sector and the UK as a whole. The independent body - in this case QAA - is commissioned by the funder-regulator to assess the quality and standards of higher education provision and its judgements are used by the funder-regulator to inform relevant regulatory action. Funder-regulators in the nations require that the independent quality body is registered on the European Quality Assurance Register (EQAR) which demonstrates that it is subject to regular external review against internationally agreed criteria.

The role of the independent body is articulated in the agreements they sign with the respective funder-regulators for each nation. These agreements clearly outline the respective complementary roles of the funder-regulator and the independent quality body in assuring the

² www.telegraph.co.uk/politics/2023/07/17/rishi-sunak-bad-degrees-universities-ripping-off-students/

quality of provision and makes clear how they will work in partnership with the sector to secure and improve quality. This provides a framework from which the independent quality body can develop a review methodology and ensure that reviews are carried out independently of the funder-regulator, or of any political or sector influence.

HERA laid the foundations for an independent designated quality body (DQB) which would 'assess the quality of, and the standards applied to, higher education' and 'provide advice to the OfS on the granting, variation or revocation of degree awarding powers'. But challenges in the operational independence of the DQB role in England led QAA to step away from this role in March 2023 in order to remain compliant with international standards.³ This has resulted in the OfS operating DQB functions since 1 April 2023 - a situation which is possible within the legislation but not the original intention of HERA or the desired outcome of the sector, and further compromises the independence of quality assessment. As recommended by the House of Lords Industry and Regulators Committee,⁴ practical steps should be taken to allow for the DQB function to be carried out by an independent quality body without any undue influence by the funder-regulator, providers or any other stakeholders - thereby reinforcing trust

A regulatory focus on enhancement improves quality across the sector

The inclusion of quality enhancement within the regulatory approach in the devolved nations places a deliberate emphasis on improving and not simply measuring the quality of higher education provision. Scotland and Wales have well established mechanisms for supporting institutions to enhance the quality of their provision through institutional and sector-wide projects that enhance the quality of the student experience. In addition to encouraging a culture of continuous improvement within each provider, sector-wide collaboration is encouraged and embedded within the enhancement approach.

The focus on sector-wide collaboration facilitates providers to support one another in enhancing the quality of the student experience through the exchange of good practice and working together on shared challenges. All key stakeholders within the sector - funder-regulators, sector agencies, higher education institutions and their representative bodies, staff and students - contribute to building and maintaining the sector-wide enhancement culture. QAA, as the independent quality body, acts as a convenor of sector-wide enhancement activity, ensuring there is a clear link between quality review and quality enhancement.

³ www.qaa.ac.uk/news-events/news/qaa-demits-dqb-status-to-focus-on-sector-and-students-in-england

⁴ <https://committees.parliament.uk/publications/41379/documents/203593/default/> point 242, p 54

Sector spotlight - 20 years of enhancement-focused collaboration in Scotland

Enhancement Themes are programmes of thematic activity involving the entire higher education sector in Scotland. Staff and students collaborate on one or more topics to improve strategy, policy and practice at an institutional and sector-wide level. For example, under the 'Evidence for Enhancement' theme, a number of providers worked together to compile examples of how mental wellbeing was being embedded into the curriculum and produced a report to support providers in designing curricula that supports student mental wellbeing. The success of the Enhancement Themes has relied on sector-wide commitment which includes staff, students and senior managers in all higher education providers, sector bodies and the Scottish Funding Council (SFC). Sector ownership of the enhancement approach is a critical feature for success and impacts on quality of provision and the student learning experience. It is the key to turning quality assessment and policy into improved practice and outcomes. This is reflected in the structures which oversee the Enhancement Themes - these leadership structures encompass staff and students from across the Scottish sector. QAA is now working closely with the SFC to develop the overall approach and the methods for sector level enhancement across the tertiary sector as part of the SFC's Tertiary Quality Project.

The absence of quality enhancement within the regulatory approach in England, coupled with the regulatory burden cited by providers, means resource tends to be concentrated at meeting the baseline. While quality enhancement remains a priority for providers in England, this work is carried out voluntarily with any sharing of practice also being carried out on a voluntary basis, often coordinated by QAA. Embedding enhancement within the regulatory model offers an opportunity to formalise existing quality enhancement activity, enabling the English higher education sector to work collaboratively in response to national strategic priorities and shared challenges. This would create an agile environment that supports shared work between providers on new challenges like artificial intelligence and in support of new policy like the Lifelong Learning Entitlement (LLE).

Alignment with UK sector-wide standards ensures comparability between UK nations

The decoupling of UK sector-wide standards from the English regulatory model for quality has caused concern among stakeholders across the UK and internationally. The UK Quality Code for Higher Education (the Quality Code) is a central reference point in the devolved nations and institutions are expected to demonstrate their alignment to other sector-wide reference points, such as Subject Benchmark Statements and *The Frameworks for Higher Education Qualifications*. Higher education providers in all nations of the UK have contributed to the design and review of the Quality Code and other reference points, and there is a long-standing UK-wide commitment to their use within providers' quality systems. As such, English providers continue to embed these reference points within their quality assurance systems although this is no longer a formal part of the regulatory framework. The Quality Code brings together international standards with the four local regulatory frameworks - the absence of the Code from the English regulatory framework weakens the UK commitment to a shared understanding of quality.

Re-embedding the Quality Code and other reference points within the English regulatory framework would signal the continued UK-wide commitment to these standards and reaffirm their importance for supporting comparability across the UK higher education landscape. This would help to reduce the regulatory burden on providers operating across more than one nation of the UK - allowing them to focus their efforts on enhancing student outcomes and experience.

Student partnership provides the foundation for a successful quality system

Partnership with students in the assurance, assessment and enhancement of quality is an essential component of an effective quality system. Effective partnership should recognise their unique expertise and understanding of the quality of provision and be embedded at every level - institutionally and sector-wide. In the devolved nations, students are full members of quality review teams, contribute to sector-wide committees and networks, and collaborate as full partners in sector-wide enhancement activity. This helps to ensure that all activity to assess and enhance the quality of higher education is directly informed by the expertise of students and their representatives, helping to ensure that its focus remains on delivering enhanced learning experiences and outcomes for students.

Sector spotlight - Learner Engagement Code in Wales

As part of a reform of the tertiary education sector in Wales, the Commission for Tertiary Education and Research (CTER) has been established with responsibility for funding, strategy and oversight of all tertiary education and research in Wales. CTER aims to deliver a tertiary education system which is centred around the learner and has excellence, equality and engagement at its heart. One of its duties will be to prepare, consult and publish a Learner Engagement Code (the Code).

The Code is intended to ensure that students' interests are represented, that learners have the opportunity to give their views to providers about the education they receive and to participate in decision-making. All registered providers will be required to demonstrate their compliance with the Code. This places student engagement and partnership as a central focus of the regulatory system in Wales.

In England, student engagement and partnership continue to be valued widely by providers and embedded within institutional quality activity; however, there is a lack of systematic involvement of students in all external quality review activity. While some of the quality assessment activity carried out by the OfS as the DQB since April 2023 has involved students on review teams, this has not been consistent. For example, their recently published Quality Assessment Visits did not include students as members of the peer review teams despite reports focusing on areas directly concerning resources, support and student engagement.⁵ Embedding students at all levels of the external quality system in England will demonstrate the UK-wide commitment to student engagement and partnership, and make clear to providers in England the expectation that students are embedded within all internal quality assurance processes.

⁵ www.officeforstudents.org.uk/advice-and-guidance/quality-and-standards/quality-assessments/assessment-reports/

Collaboration across the tertiary system can deliver a more responsive quality system

The strategic direction of education policy across the devolved nations has aimed at improving the coherence of the tertiary education sector to deliver a high-quality student experience and address the skills needs of the respective nations. While the exact approach taken in each nation has differed, devolved governments and the funder-regulators have been consistent in recognising the need to ensure parity of esteem between academic and vocational study, to improve collaboration across the sector, and to reduce reporting burden across providers - particularly for those delivering both further and higher education qualifications.

In Wales, the establishment of the Commission for Tertiary Education and Research (CTER) ensures there is a single national steward for the tertiary education and research sector in Wales. CTER will oversee funding and oversight for all provision including further education, higher education, apprenticeships and adult learning. This will include responsibility for the quality of all tertiary provision, with Estyn retaining its duty to inspect further education and training, and a separate designation process for a body who will assess the quality of higher education. While quality arrangements will remain separate, there is an expectation that the two quality bodies will work together to carry out shared thematic reporting and facilitate shared learning across further and higher education.

The SFC has led the creation of a tertiary quality project in collaboration with colleges, universities, students and sector agencies. The ambition is that a common approach to quality assurance and enhancement of provision and student learning experience will work across colleges and universities. QAA is working closely with SFC to develop the overall approach and the methods for review and sector-level enhancement in particular. The common approach aims to ensure academic standards and the student experience remain high quality across colleges and universities, while supporting more effective collaboration across colleges and universities to create improved pathways across the tertiary sector for students and learners.

Higher education in Northern Ireland is delivered through a mix of universities, university colleges and further education colleges, including the College of Agriculture, Food and Rural Enterprise. All universities validate and award higher education qualifications delivered in partnership with the colleges. This delivery context, coupled with the small size of the sector, means that cross-tertiary collaboration is a fundamental practice in Northern Ireland. The development of a new strategy for delivering a 10-times more effective economy in Northern Ireland has renewed the policy impetus for facilitating cross-tertiary collaboration.

As in the devolved nations, many providers in England deliver both further and higher education qualifications. With the anticipated rollout of the LLE over the next few years, effective collaboration between all tertiary education providers will be essential in developing flexible pathways across the sector. Though the sector in England is significantly larger and more complex than in the devolved nations, there may be value in exploring how a more cohesive tertiary sector could be achieved. Though higher education and further education are currently regulated separately, learners perceive it a single learning journey and often transition from further into higher education, sometimes at the same provider. Exploration of a tertiary approach to quality regulation may help to streamline reporting mechanisms, noting the significant burden this places on providers which may restrict their ability to respond flexibly to strategic priorities and the needs of learners.

How can UK coherence contribute to an effective system in England?

The UK higher education sector is a significantly complex and diverse system with a world-leading reputation. Though each nation has different mechanisms for funding and oversight of higher education provision, the previous commitment to a shared language and common approaches to the management of quality have helped to ensure UK-wide cohesion and contributed significantly to UK higher education's excellent international reputation.

The implementation of HERA and the subsequent move away from shared UK-wide quality practice in England has weakened this sense of cohesion across the UK. As well as potentially reducing international trust and confidence in the quality of the sector, it creates challenges for UK-wide mobility and for providers operating across multiple nations of the UK.

Realignment of these shared practices is not about imposing uniformity across the UK higher education sector - it is about recognising the value of common approaches to quality while respecting the spirit of devolution. Most of these practices had been embedded within the English regulatory system pre-HERA and remain a central part of internal quality assurance mechanisms within most English providers. Renewing this commitment on a sector-wide level will create a renewed sense of collaboration among English and UK higher education providers, and improve the agility of the sector in meeting national strategic priorities and continuing to deliver a high-quality student experience.

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