



Higher Education Policy Institute

Why it is time for university governors to do more on academic quality

Alex Bols, Deputy CEO, GuildHE

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Executive summary

Higher education quality and standards are rarely far from the headlines or ministerial speeches. This Policy Note considers the important – and changing – role of England’s governing bodies in academic governance, as they are expected to provide increased assurance that standards are being maintained or enhanced.

Introduction

Quality and standards are a hugely complex issue and are often quite difficult to explain to those outside the higher education sector – something that can be deeply unhelpful to our cause and can result in knee-jerk political responses.

This is particularly true when ministers, particularly those based in the Department for Education, look across at schools and see their ability to intervene and direct. They then look back at post-compulsory education and struggle to understand the complexity of the higher education sector with its mass of autonomous providers who are able to design, deliver and assess new courses while at the same time maintaining their own academic standards.

This is perhaps especially hard to explain in England, where teaching and research are separated between two ministers in different government departments and therefore neither is able to look holistically across the whole provision of a university and see the full complexity and inter-connectedness of the organisation. It can be easy therefore for education ministers to fall into the trap of seeing universities as big school.

As a sector, we need to get a lot better at being able to articulate the benefits of a diverse, innovative and responsive higher education system – able to develop new courses based on student demand and the needs of the local and national economies and committed to robust academic standards protected by strong governance. If we are not able to do this then we risk moving ever further down the road of a government and regulators attempting to set the parameters for what ‘good’ looks like.

This is a threat that feels a bit closer following the announcement of a new Higher Education Bill in the Queen’s Speech in May 2022. It is likely to include Minimum Eligibility Requirements, student number controls and other ways of tackling ‘low-quality’ courses. Legislation is subject to amendment in Parliament, and with the House of Lords likely to take particular interest in the Bill, it is difficult to predict the final shape of the Act. Universities must therefore demonstrate their ability and commitment to tackle head-on some of the wicked issues relating to quality and standards.

The sector – and individual institutions – have taken significant steps over recent years to improve our quality processes and to explain better how we maintain academic standards, but there are still areas where it is too easy for ministers to point to and generate headlines. As a sector we are passionate about the benefits of institutional autonomy, but autonomy is an earned right and can be taken away if the weight of evidence suggests we are not taking this area seriously enough. Negative headlines also allow the regulator to take more intrusive action.

Historical context

It is perhaps best to start by looking backwards at where we have come from.

There has been significant political interest in quality issues for at least the last two decades – whether Margaret Hodge’s obsession with ‘Mickey Mouse’ degrees, David Willetts’ interest in contact hours, Jo Johnson’s emphasis on grade inflation or Michelle Donelan’s focus on low-quality courses.

The question of grade inflation has been particularly challenging for the sector to deal with. There are clearly many reasons why student attainment has improved, including: investment in university teaching; improving school standards; student effort; employer expectations; tackling attainment gaps; and a whole range of other reasons. Recognising the attainment of students when they have demonstrated they meet the criteria is a fundamental principle of higher education, rather than trying to artificially fix the number of students getting a particular grade. However, the proportion of Firsts and 2:1s increased by 20 percentage points over the last 15 years to 82 per cent of all students in 2021 and this has been hard to justify to people outside higher education.

Universities Minister, Jo Johnson, made this point strongly back in September 2017:

Grade inflation is tearing through English Higher Education ... Unchecked, grade inflation will undermine the reputation of the entire UK HE sector, creating a dangerous impression of slipping standards, undermining the efforts of those who work hard for their qualifications and poorly serving the needs of employers.

There has been a lot of action to tackle this, but in the five years since Jo Johnson spoke this action has at best resulted in just a levelling-off in the pace of growth of Firsts and 2:1s, something that the Department for Education are keen to highlight. The measures that institutions – rightly – put in place to support students during the pandemic clearly had an impact but there is likely to be an expectation that we return to pre-pandemic levels of attainment as a starting point.

There are many initiatives that the sector has taken to enhance its quality processes, including: work on degree algorithms; external examining; programme reviews; developing degree classification descriptors and Degree Outcomes Statements, as well as bringing this all together under the umbrella of the sector-wide *Statement of Intent* to demonstrate our commitment to a wider audience.

The 2019 *Statement of Intent* is committed to protecting the value of UK degrees, restating its principles:

- *Protecting the value of qualifications is in the interest of students – past, present and future – who deserve qualifications that they can take pride in.*
- *Qualifications should be based on clear criteria that recognise, demonstrate, and celebrate academic stretch and success.*
- *The diversity of the UK higher education sector is a strength which is founded on shared, consistent, and comparable academic practices.¹*

This has also been accompanied by a number of developments, particularly by the English regulator where these issues seem to be most pressing – or at least more politicised – including the articulation of what minimum academic quality expectations look like and recognition of excellence above the baseline through the Teaching Excellence Framework (TEF). This sits alongside enhanced expectations on governing bodies to have an increased focus on academic governance questions.

These minimum baselines – the TEF as well as the Degree Outcomes Statements – that allow governors to consider trends in attainment within their institution have provided governors with better tools to be able to examine these issues in more depth.

Changing expectations on academic governance

Before I explore the role of governance, it is probably worth starting by reflecting upon the distinction between academic and corporate governance and the blurring of the lines between the two.

When I was a Students' Union President in the late 1990s, and therefore sitting on both University Senate and Council, there was a clear delineation between Senate leading on academic issues and Council leading on money issues, and this separation of academic from corporate governance was seen as sacrosanct and something to be jealously protected. This shared form of governance rested on the assumption that faculty should hold a substantive role in decision-making alongside the institution's key stakeholders, such as the University Vice-Chancellor, as well as representatives from management, professional services staff and students.

There are many in higher education that would still wish to protect this distinction, and indeed many senates are particularly keen to retain and even expand their powers to any issue relating to academics, including pay and pensions. However, there is little doubt that over the last two decades the pre-eminence of the council or board of governors has become ever more obvious. This has shifted in tandem with new managerialist approaches in higher education, with government expectations that public funding be accompanied by greater accountability through external quality assurance processes to provide greater transparency. Over this period more generally, there has been a shift from trusted public services that self-regulate themselves towards much greater demand for accountability based on some real, and some politically motivated, scandals. In higher education there have been high-profile concerns about issues including: free speech; 'conditional unconditional' offers in admissions; vice-chancellor pay; as well as grade inflation. This has resulted in a shift from self-regulation to co-regulation to just regulation.

Regulatory assurance

The 2016 Higher Education Funding Council for England (HEFCE) expectation that governing bodies would give assurance on academic matters blurred the divide between academic and corporate governance further, something that the Office for Students has accelerated. The recent update of the Committee of University Chairs (CUC) *Code of Governance* outlines that the 'governing body must actively seek and receive assurance that academic governance is robust and effective'.² The word 'actively' suggests that this is more than just relying on senate (called academic board in some institutions) to undertake this role completely.

This is reinforced by the Office for Students' public interest governance principles, which state that the governing body should 'receive and test assurance that academic governance is adequate and effective'.³

Initially, many institutions introduced an annual quality report for their governing body, which often included key performance indicators (KPIs) such as on student feedback through the *National Student Survey* as well as key issues raised by external examiners. This was often accompanied by an annual presentation by the academic registrar on quality issues. Some institutions introduced lead governors on academic governance issues, which might be a nominated representative from senate or academic board onto the full governing body and some even nominated independent governors as observers of academic board. As an independent governor observing academic board in both the institutions where I am on the board, it has provided a fascinating – and reassuring – insight into academic governance. A number of institutions also run joint meetings of academic board and full governing body.

The Office for Students has accelerated the expectations that governing bodies have robust assurance and that academic governance is effective, and the ongoing conditions of registration provide a helpful framework for this. Both of the boards that I am on receive annual reports demonstrating how the institution is meeting the different conditions of the Office for Students and these are scrutinised

through the Audit and Risk Committee, and where there are concerns or areas of higher risk they have even been subject to internal audit reports.

This scrutiny from the Office for Students is likely to become ever more robust. The letter of priorities from the Secretary of State for Education in May 2022 set out his expectations that the new outcomes thresholds – resulting from the B3 conditions of registration from the Office for Students – will be used to ‘identify unacceptable levels of performance and challenge them ... generating robust regulatory investigation’. The former Minister for Higher and Further Education, Michelle Donelan, characterised this as an army of inspectors putting ‘boots on the ground’ in universities and the eight investigations announced by the Office for Students in May 2022 may be just the first wave.

This would all suggest that the risks associated with quality and standards are likely to be rising up institutional risk registers. Governors will be wanting to seek reassurance that their institutions are meeting the different numerical thresholds that the Office for Students has identified, and that where this is not happening there is robust evidence as to why not to show the Office for Students when needed.

The B3 consultation identified numerical thresholds for metrics on continuation, completion and progression; with 80 per cent continuing into the second year; 75 per cent completing their course; and 60 per cent progressing into professional and managerial jobs or staying in education for full-time first-degree students. However, the differing metrics for other cohorts, as well as analysis by a whole range of student groupings, including protected characteristics and even subject areas, make this area ever more risky with many providers likely to be below an indicator somewhere within their institution. As a governor, I would expect to see some kind of Red / Amber / Green (RAG) rating for these key indicators and action plans where there are concerns.

Culture of academic governance

The Leadership Foundation (now part of Advance HE) produced a guide on governing bodies and academic assurance back in 2017 which identified that the essential requirement is the development of a culture within the organisation of openness, trust and respect.⁴ They went on to highlight the need for an integrated and embedded culture that understands and accepts different duties in that part of institutional life where corporate and academic governance meet.

As part of the report, they developed six enablers to facilitate effective governor oversight of teaching and learning:

1. ‘Respect for different roles in academic oversight’ of different parts of the organisation.
2. ‘Understanding of academic life by lay members.’ Governors should have a deep understanding of academic life, its language and processes.
3. ‘Reports tailored for non-academic lay readers.’ Accessible reports focused on the key issues and without acronyms enable governors to properly scrutinise academic governance.
4. ‘Information supplied in a digestible form’ that is clear, accurate, timely and reliable.
5. ‘Effective engagement with the student and staff voice.’
6. ‘Academic expertise amongst the lay membership. This enables the balancing of academic knowledge and experience with other skills sets amongst the governing body’s lay or independent membership.’

As issues of academic assurance become ever more important, institutions may want to reflect on each of these enablers and how effectively they currently do this. For example, most universities provide training for governors on a range of topics such as Prevent, but does this regularly include training on academic issues? Or where boards have ‘link’ roles or ‘buddies’, does this include linking with faculties or buddying with the head of an academic area? Also, most governing bodies regularly review their effectiveness but do these surveys consider academic governance issues such as whether governors understand the main academic risk areas?

Conclusion

In conclusion I want to suggest some possible ways of providing assurance on academic governance questions. Most institutions will have slightly different ways of doing this and may not want to look at all of these, but as a governor I would probably be expecting to see many, or all, of the following:

- Degree Outcomes Statement – annual consideration of student attainment, including:
 - what has happened;
 - what has changed (for example, the major changes to grade distribution); and
 - why it has changed (exploring any justification for sudden or unexpected changes to distribution, plus details of any planned internal reviews).
- Annual quality report – to the governing body or board away-day including:
 - Key Performance Indicators including from the *National Student Survey* and postgraduate surveys;
 - summary of key points from external examiners and departmental action plans; and
 - specific consideration of areas of higher risk, such as transnational education and partnerships.
- Regular review of the Office for Students' ongoing conditions and key risks, including tracking of the B3 metrics with Red / Amber / Green ratings being presented to the Audit and Risk Committee.
- Teaching Excellence Framework action plan / strategy.
- Clear articulation of the role of senate / academic board and links with council / board of governors.

As universities come under increased scrutiny to demonstrate how they are maintaining robust academic standards, the board of governors and particularly university chairs, should consider their role. During the pandemic, many governing bodies have been more involved in considering academic issues, including: introducing emergency regulations or 'no detriment policies'; considering assessment burdens; shifting to online learning and identifying longer-term pedagogic benefits; and wider issues of belonging and developing the academic community. This presents an opportunity to engage boards of governors further in questions of academic governance. University chairs are often seen as more independent of the institution and can make significant – and more proactive – contributions to providing wider public assurance based on deeper understanding and engagement.

Endnotes

- 1 UK Standing Committee for Quality Assessment, *Degree Classification: Transparency, reliability and fairness – A Statement of Intent*, 2019, p.2. <https://ukscqa.org.uk/wp-content/uploads/2017/09/Statement-of-intent-FINAL.pdf>
- 2 Committee of University Chairs, *The Higher Education Code of Governance*, 2020. <https://www.universitychairs.ac.uk/wp-content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf>
- 3 Office for Students, *Public interest governance principles*, 2017. <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/registration-with-the-ofs-a-guide/public-interest-governance-principles/>
- 4 Leadership Foundation for Higher Education, *Insight Guide: governing bodies and academic assurance*, 2017, p.9 <https://www.advance-he.ac.uk/sites/default/files/2019-05/Insight%20Guide%20-%20governing%20bodies%20and%20academic%20assurance.pdf>



Higher Education Policy Institute

99 Banbury Road
Oxford OX2 6JX
admin@hepi.ac.uk
www.hepi.ac.uk