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Reflection

## Teaching Excellence Framework: a critical response and an alternative future

**Mike Neary**, *University of Lincoln*

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## Teaching Excellence Framework: a critical response and an alternative future

The Teaching Excellence Framework marks a paradigm shift in the approach to teaching and learning in Higher Education in England. This is not a sudden change but the culmination of a policy process that has been ongoing since the 1980s by successive governments (Shattock 2006). The shift is away from public higher education to higher education as 'a major business and revenue generator' (Hubble et al 2016 6), encouraging 'competition and value for money' (Hubble et al 2016 13) providing greater opportunities and choice for students as well as access and social mobility (Hubble et al 2016). At the core of this shift is the status of students, the independence and autonomy of universities, a new support framework for research as well as opening up the sector to new higher education providers.

At the centre of this fundamental change are two recent pieces of legislation: the Consumer Rights Act (CRA) 2015, and the Higher Education Research Bill (HERB) 2016, now making its way through parliament. In this paper I want to discuss this paradigm shift with a focus on the Teaching Excellence Framework, a central aspect of the Higher Education Bill. My view will be informed by and reflect the criticism of this legislation from academics, the University and College Union, the National Union of Students and policy analysts, counteracting the broad support from Vice Chancellors and University Boards of Governors, but I want to add a new dimension to the discussion. I want to suggest that this new paradigm requires us to think of alternatives to the current form of Higher Education based on a debate about the meaning and nature of higher education grounded in the culture and values of academic life. At the end of the paper I will present work I am doing with others to create a co-operative university.

In December 2015 Jo Johnson, the Minister for Higher Education, described teaching in Higher Education as 'lamentable' (Morgan 2015). This view was not supported by data produced by the higher education sector, notably the National Student Survey, which records high levels of student satisfaction, but it did correspond with a report published by the *Which?* organisation in 2014: 'A Degree of Value: value for money from the student experience'. This report presented a very negative view of the student experience with wide variations in teaching quality, undemanding courses, non-stimulating seminars, too few contact hours, as well as poor course management and organisation. Students were not satisfied about the way in which complaints were handled; and they felt more could be done about helping them to find work. All of which added up to poor value for money. In response to these findings *Which?* recommended a new regulatory system for higher education so that terms and conditions comply with consumer protection regulation, including improvement to information and advice, customer protection and regulation. This report has been influential in the framings of the both the CRA 2015 and the HERB 2016.

Few of us working in higher education think there is not some need for reform. The question becomes the nature of this realignment, as something that should involve public debate, particularly among academics who have been almost entirely excluded from the current reframing process.

At the centre of any debate about the future of higher education is the nature of the student-teacher relationship. While we may have become accustomed to referring to students as consumers since the introduction of fees in 1997, the new Consumer Rights Act has consolidated this rhetoric as an objective legal fact. The act confirms the University is a trader and supplier of educational

services to the student in what amounts to a direct, individual contractual relationship. It is not only students and their institutions who are covered by the act, academics need to deliver courses in an up-to-date, knowledgeable and timely way. Failure to meet the minimum standard will give rise to consumer law remedies, including repeat performance and damages, and can be subject to the criminal law in cases of misleading or aggressive commercial practices. This means that legal judgement may be extended to areas of academic practice from which it has previously been excluded, with unknown negative consequences for academic freedom. This new legal and financial framework has profound implications for the student-teacher relationship. All legal regulation is based on a conflict of private interests which need to be protected, undermining the more progressive social aspects of community, collaboration and cooperation (Pashukanis 1983). Compliance with the act is the first stage of being recognised as a provider under the terms of new Teaching Excellence Framework so as to be able to access funding through the student loans company.

The Teaching Excellence Framework is a central aspect of the Higher Education Bill. The core ambition of the framework is 'to raise the quality and status of teaching in higher education institutions' (Hubble et al 2016 9). Excellence is to be measured through a series of proxy metrics that include, student satisfaction, retention, employability and a new metric, learning gain, which sets out to record the improvement in knowledge and personal development of students during their time in higher education. These metrics have been extensively criticised as being unreliable measures of the quality of teaching and learning in higher education (Holyroyd and Saul 2016). Critics argue the real intention is to create a market differential providing a justification for raising fees linked to improvements in the quality of teaching. At the heart of the Bill is the intention to open the sector up to new providers, described as 'challenger institutions' by creating 'a level playing field', with no restriction on numbers and with immediate degree awarding powers on a 'monitored, probationary basis' (Hubble et al 2016 13). A feature of any marketised environment is instability and possibility of failure, so the legislation requires new providers to provide an exit strategy for such an eventuality. The focus on social mobility and increasing access by raising the student number cap is undermined by the fact that HE is only accessible through taking on massive debt, putting at risk other lending for mortgages and credit facilities on which social mobility is often assessed, notwithstanding the prejudicial attitude to working class life and culture that it implies. Institutions will provide their own TEF submission that will feature other aspects on which they wish to be assessed, including learning analytics, employer engagement, staff qualifications as well as enterprise activities and entrepreneurship.

At the centre of a new governance model is the Office for Students, 'a consumer focused market regulator' (HERB 2016) responsible for monitoring finances and efficiency, maintaining standards, awarding teaching grants with the power to remove university status, as well as redraft quality codes. The extent to which it acts on these matters is based on advice from the Secretary of State, restricting the independence or autonomy of higher education providers. Despite its focus on students it is not at all clear how students will engage with this new institution. The creation of the Office for Students marks a fundamental change in the regulation of higher education. Under the current regime the Higher Education Funding Council for England supports a stable system based on the interests of institutions and their students while the new Office for Students is designed to regulate a marketised system that is inherently unstable, with the instability in the new system putting students at greater risk. All of this in a hostile regulatory environment exemplified by the policing-like authority given to the Office for Students for 'entry and search' to exercise their powers (Jamdar 2016).

While the concept of student engagement has been a key aspect of recent policy and practice in higher education, driven by the Quality Assurance Code, the bill makes no reference to the concept;

indeed, is more interested in the danger of 'student disengagement' from their studies in response to 'distracted academics' who are more interested in their research (HERB 2016). The government is seeking views on the detailed operation of the bill through a consultation document where engagement does feature more prominently. However, the requirements to include the student voice are undermined as institutions do not require the input of NUS or students as part of their TEF submission, which was a significant feature of student engagement under the previous quality regime.

The legislation recommends a new framework to support research, UK Research and Innovation, bringing the research councils under one organisation along with Innovate UK and a new body, Research England. There is nothing in the bill that considers the relationship between teaching and research, beyond the idea of research-led teaching, and, therefore, ignores one of the most significant advances in HE pedagogy in the recent period which has sought to connect research and teaching through research-engaged teaching (Healey and Jenkins 2009, Brew 2006). The University of Lincoln, in England, adopted research-engaged teaching as the organising principle for all its teaching and learning, with undergraduate research a central feature of the undergraduate curriculum. This model has been widely adapted by other universities and colleges in the UK and around the world, e.g., most recently at University College London: Research=Teaching, and has been promoted and celebrated through an international journal of student research: *The Reinvention Journal* and the British Conference for Undergraduate Research. This is not just a teaching technique but is part of a broader debate about the meaning and purpose of higher education which sees the connection between research and teaching, with students' involvement in the production of knowledge being seen as that which distinguishes higher education from other education provision (Neary et al 2015, Neary and Saunders 2016).

A key feature of the bill is to allow new private providers to award degrees, with no specification as to the nature of these institutions, other than a strong implication they support the privatisation process. There is nothing within the current legislation that would preclude a more radical form of university from being established based not on markets and privatisation but collaboration and co-operation. I want to suggest that such an institution might be created as a co-operative university. Co-operative enterprises do not avoid the imperatives of capitalist production but offer the potential for future radical possibilities. There is strong synergy between the values of the co-operative movement and academic values: sharing, education, collaboration, open membership, democratic member control, autonomy and independence and concern for community (Cook 2013). The co-operative is a real alternative because it is based on a different legal, governance and management structure, challenging the consumer model with a model based on workers ownership and democracy, not value for money but social solidarity (Winn 2015). It is, therefore, entirely possible that 'a small cooperative organisation...could now see a route to becoming a university in name, and this appears to be in-line with the government's intentions, with other parts of the White Paper arguing that the legislation allows for a return to small communities of scholars establishing as universities' (Cook 2016). This can build on the success of the schools co-operative movement with more than 800 schools in the UK now having co-operative status since 2006.

Given the nature of the political paradigm within which higher education is being constituted, it is likely that a more radical institution would be grounded in the principles of co-operation and collaboration rather than privatisation and profit-making. A new co-operative form of higher education might choose to have its degree programmes validated by an international university that was part of an education system not committed to neo-liberalism. The University of Mondragon in the Basque Country in Spain is already a well established international co-operative institute for higher education.

I have been involved in establishing a cooperative form of HE in England, as a founder member of the Social Science Centre (SSC), Lincoln. This cooperative, offering no-fee higher education, was set up in 2011 following the massive rise in student fees and withdrawal of public funding for teaching arts and humanities, social science, business and law. The SSC raises funds through membership subscription based on what students and teachers can afford. All labour is voluntary. The SSC offers awards at the level of higher education qualifications, these are not degrees but give students an experience of higher education that is equivalent to a university level of teaching and learning. The SSC is an autonomous institution and has no connection with any other higher education provider. The students at the SSC are involved with their teachers in running the co-operative with equal votes and ownership rights. All courses are taught through the principles and practices of critical pedagogy and popular education, recognising that students and teachers have much to learn from each other. Currently the SSC has around 50 members including associate members who can act as external examiners and reviewers of student work. The SSC is on-line but is not a web-based provision; rather, it is rooted in the local community and the city of Lincoln. This co-operative principle for higher education has been further developed through research projects, undertaken by myself and Joss Winn, funded by Independent Social Research Foundation: Beyond Private and Public - a framework for co-operative higher learning (Neary and Winn 2016), as well as ongoing research on Co-operative Leadership for Higher Education, funded by the Leadership Foundation for Higher Education (LFHE 2016).

This type of alternative provision provided by the SSC is not simply a matter of different management and governance structures, but is based on a fundamentally different view on the nature of the state in capitalism. The free market view is that the state intervention should be reduced to a minimum, although paradoxically strong regulation is needed in order to facilitate marketisation. This is very evident in the new higher education and research bill. For those who defend public education the state is a neutral arbiter that can be put to use for the defence of the public good. This is the model on which the Alternative White Paper on Higher Education is based (Holmwood et al 2016). The model that I am working on with Joss Winn and others is that both the state and the market are not antithetical but complementary forms of capitalist regulation (Neary 2012). The history of the co-operative movement in the UK is that it has never been incorporated within a statist model, but is international in its outlook and orientation, containing within it the possibility of generating a new form of social life which is close to the idea of the commons or commonwealth as a definition of the public (Winn 2015). The co-operative movement does not depend on the state, indeed its ideal expression requires its dissolution and replacement with new forms of human association not grounded in models of political society. If that sounds utopian, that is the point. In a hostile climate where intellectual dissensual debate is being shut down, not least by the 'anti-terror' Prevent agenda which criminalises radical thought inside universities and which is likely to be enforced by the Office for Students, it is vital to develop new critical imaginaries based on our own radical academic histories and traditions (Neary and Winn 2016).

The political crisis following the vote to leave the European Union means the prospects for the Higher Education and Research Bill are uncertain. The plan is to lobby Parliament with the support of the Labour and Co-operative Party as well the Higher Education Commission so that co-operative and other heterodox forms of universities will be referenced in the new higher education act if it passes into law, and be part of any future discussions about alternative higher education provision. This may not alter the marketised and privatised logic of this new proposed legislation, but it will remind lawmakers and those who seek to develop higher education in England that another post-capitalist world is possible along with another form of higher learning, now and in the future.

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