

REGULATION

BRIEFING 6: REGULATION AND RESEARCH



DECEMBER 2023



Distinction and Diversity
in Higher Education



About GuildHE

GuildHE is an officially recognised representative body for UK Higher Education, championing distinction and diversity in the sector. Our 60 members include universities, university colleges, further education colleges and specialist institutions, representing over 150,000 students. Member institutions include some major providers in professional subject areas including art, design and media, music and the performing arts; agriculture and food; education; business and law, theology, the built environment; health and sports. GuildHE Research is the research consortium for smaller and specialist universities and colleges in the UK.

Recommendations

The OfS should review the criteria and guidance for Research Degree Awarding Powers to make them fit-for-purpose for the institutions seeking to apply, and ensure that they are a recognition of high quality provision rather than acting as a barrier to entry, including:

- Removing or significantly reducing the threshold of 30 completed PhDs as an entry criteria
- Reviewing the expectations of the metric tests against the realistic performance of research active institutions
- Reducing the scrutiny period in line with TDAP applications
- Developing a lighter-touch, more risk-based approach to reassessing TDAP as part of the RDAP application based on existing regulatory information

The OfS should consider an RDAP validator of last resort along similar lines to the TDAP approach to ensure institutions are able to identify a partner

UKRI and OfS should develop better lines of communication and clear guidance on their approaches to how they cooperate with each other. This should consider:

- Greater alignment between the REF and RDAP processes
- Support for Postgraduate Research students, including gathering further information about the PGR experience, giving attention to part-time provision, professional doctorates, and students not funded through UKRI
- Recognising the interconnectedness of teaching, research and knowledge-exchange

UKRI should embrace its role as a 'steward of the system' for all research performing organisations by:

- Advocating far better for the positive role accreditation plays in developing the diversity of HE and Research
- Ensuring all constituent councils have clear, up-to-date eligibility requirements based on the current regulatory and funding environment
- Developing and sharing intelligence about the full diversity of institutions involved in research and championing this as an issue of equality, diversity and inclusion

Introduction

The Higher Education and Research Act initiated a raft of changes to the structure and make up of the organisations tasked with leading the higher education sector. The Act introduced a regulator - the Office for Students - and brought in a strategic umbrella to cohere the work of the research councils - UK Research & Innovation. In so doing, some parts of the system which had once found a neat home under the auspices of HEFCE, now found themselves sitting uncomfortably between the core work of these two bodies.

This briefing examines those parts - namely research degree awarding powers, postgraduate research students, and institutional engagement - which remain underserved by the provision that UKRI and the OfS 'may cooperate with one another in exercising any of their functions'. As a sector we need more coherence and constructive communication between the regulator for students and the 'steward of the R&I system' to avoid these vital elements that underpin the development of research falling through the cracks.

Research Degree Awarding Powers


Research Degree Awarding Powers (RDAP) can feel like a document box forgotten about in an office move. It's important, but not pressing. It's a bit complicated. The application numbers are small. And for those that already have RDAPs, and certainly if they got them conferred before the 1990s, it's a rarified piece of regulation. And yet it really matters to institutions that don't have them and to those that accredit other institutions.

For the unfamiliar, achieving Research Degree Awarding Powers requires the following as a baseline:

- A minimum of 30 PhD completions
- Has been delivering research degrees for at least three consecutive years
- Of all academic staff:
 - Half are active and recognised contributors to at least one organisation such as a subject association, learned society or relevant professional body
 - One third have recent (ie within the past three years) personal experience of research activity in other UK or international higher education or specialist research institutions
 - One third can demonstrate recent achievements (ie within the past three years) that are recognised by the wider academic community to be of national and/or international standing

Assessment for RDAPs begins with a self critical analysis and a desk based assessment of the baseline criteria. If institutions are deemed to meet the threshold, they then enter a scrutiny period which includes on site assessment, that can last up to two years. Scrutiny of the institutions' deployment of their Taught Degree Awarding Powers (TDAPs) is part of the assessment, alongside observations of key committees, interviews with current staff and students, and assessment of policies and procedures.

The guidance for RDAPs changed in 2019 to bring it into line with the regulatory advice from the OfS. Four years on, only one institution has received the powers. Between 2010 and 2019 five institutions achieved the powers. Even taking Covid-19 into account, the rate of applications has slowed down. Since the QAA stepped down from its role as the Designated Quality Body (DQB) for England in 2023, meaning that they would no longer take a role in the assessment for DAPs, no institutions have applied. This is despite our intelligence that at least 6 have enough



completions (one with three times the number required) and at least 10 state that achieving RDAPs is part of their institutional goals. Currently we know of only one application in process, for a Welsh institution where QAA is still involved due to devolved administration for research. So what is stopping them?

Accreditation

Institutions with RDAPs may accredit other institutions to deliver research degrees under their award. The accredited institution adopts their rules and regulations and may get access to training and resources for students at the 'host' institution. There are many arrangements like this in the HE sector at every level of award, and it is the only way to start providing research degrees that may count towards an application for your own powers. It is a financial arrangement which is usually determined by the number of students progressing through the awards.


Given the necessity of these arrangements to 'enter the market' of RDAPs there is scant advice and guidance from either OfS or UKRI about how these arrangements should operate, what institutions on both sides should expect, or how accreditation should be conducted. Institutions of course follow the principles established by the Quality Code, the Register, and Regulatory Advice, but beyond these general principles, arrangements are left to institutions to be made between them. Institutional autonomy is often cited as the guiding principle for this approach. And yet this leaves institutions searching for an accrediting arrangement in a position of distinct disadvantage. They have no recourse to understanding the market value of what they are buying, and no formal routes to compare and contrast that value. In an era of cutting bureaucracy this represents a major inefficiency in the system.

GuildHE has convened a network to assist institutions in navigating these murky waters. It is challenging to advise and often peer exchange is the primary route to uncovering what has worked well and not so well in these arrangements. Broader issues are also at play. A lack of understanding about these relationships have resulted in a range of inconveniences. The Government PG Loan portal did not initially list all institutions, just those with their own RDAPs, causing difficulties for applicants. In recent weeks a major funder has determined that their awards to support Early Career Researchers may only go to institutions with RDAPs with no explanation as to what that specifically means or the rationale behind the decision. Accreditation means an institution has the capacity and expertise to deliver awards to the same standard of the accrediting institution; splitting hairs and not accepting that unravels the principles of quality and standards to which all institutions are held accountable.

The growth of the HE market cannot happen without accreditation arrangements. If we want that growth, better advice and guidance needs to be provided, and the stewards of the system need to advocate far better for the positive role accreditation plays in developing the diversity of HE and Research.

Metrics

As a minimum, institutions need to have 30 doctoral completions to be eligible to apply for RDAPs. To achieve this they will have engaged in a long term arrangement with an accrediting institution to deliver research degrees under their rules and regulations. Given many of these students will be part-time, this is truly a substantial commitment, and we have long argued that this minimum is set too high. Whilst the metric tests for academic staff are intended to demonstrate commitment to research, they ignore the fundamental nature of potential applicants; they are predominantly teaching-intensive, specialist mono-technics or smaller universities with a narrow range of specialist areas.



Staff are often also working in professions and industries, maintaining the practice ‘in the field’. Indeed, knowledge exchange activity may be a driving force for forging partnerships and developing collaborations, from which research projects follow; a reversal of the traditional model and difficult to capture along such rigid metrics. The necessity for such high proportions of staff to be engaged in these particular activities to this extent is not actually clear. It is equally challenging for some disciplines, such as the creative arts and performance, to align the activities undertaken by staff with the formal categories of the metrics. By requiring applicant institutions to evidence such high levels of engagement in research related activities amongst all academic staff, the guidance expects them to meet standards that many established research organisations would struggle to achieve.

The OfS has attempted to provide further guidance on the interpretation of these baseline metrics, yet institutions are still not confident that they will be judged on their own merit. Recent events, including the completion of REF 2021 and Covid-19, have also affected the vitality of the research communities across the sector, and smaller institutions are more sensitive to these changes than others. The movement of a small number of staff can render a once-healthy metric obsolete. Given the high proportions of staff engagement required, we are finding that institutions are putting back applications because these thresholds cannot be met.

Isolation from REF

RDAP is further complicated by the lack of coherence between its criteria and that of the REF. As we are yet to have the full picture for the next exercise, institutions are advisably relying on existing definitions, such as Significant Responsibility for Research (SRR), to structure their activities around.

The concept of SRR has gone on to inform a broad range of structures within institutions, due to the necessity of consultation with all staff over how it was applied and why. Institutions are understandably reluctant to bin all that work to determine SRR. In teaching intensive environments, SRR has assisted institutions to reflect the parity of esteem between teaching, scholarship, and research roles amongst staff.

However there are real tensions between applying the principle of SRR and applying for RDAP. For the latter, the guidance insists that metrics to demonstrate research activities should involve all academic staff, taking no heed of SRR. This is evidently problematic. For one purpose, institutions are trying to ensure staff without responsibility for research are not put under undue pressure to produce it, whilst for the other they need to demonstrate that a certain proportion are involved.

Perceived Risk

In 2023 the OfS made hasty arrangements to extend their quality assessment function in order to take on the responsibilities of the DQB, confirmed in operational guidance issued in July. Institutions are finding the conflation of these roles - regulator and quality assessor - problematic, particularly for RDAPs. As outlined, institutions’ teaching degree awarding powers are also examined in this assessment. Whilst that has always been the case, it was not previously a regulator with the powers to withdraw their TDAPs that was assessing the institution. With the OfS managing the assessment, institutions perceive a far greater risk to their current powers of award. TDAPs are so fundamental to the core business of teaching-intensive institutions this is simply deemed a risk too far.

Postgraduate Research Students

It is firmly within the remit of the Office for Students to work in the interests of postgraduate research students. There have been some large scale and flagship projects thus far; a co-funded competition to address the access to and experience of PGR study for students from ethnic and minority backgrounds, run jointly with Research England; and a push on postgraduate courses in AI. However not all institutions are involved in these schemes, with the former yet to deliver usable outputs for the 50 partnerships that devised projects but did not get any funding. On the more workaday task of day-to-day PGR business, these students feel like an afterthought in the OfS' work, and there is a real risk that they are falling between the cracks. The OfS does not routinely collect student experience information for PGRs as they do for the undergraduate population through things like the National Student Survey or Teaching Excellence Framework, for example.

UKRI is a significant funder of PhDs and is therefore more involved with students in this group. The funder recognises that its interaction with PGRs is often at a distance, given that much of the funding is allocated to institutions and then distributed. To remedy this disconnect, the New Deal for PGRs has been gathering evidence and responding to it. There are good things coming out of this work, from frank cross-sector discussions about terms and conditions to a raise in the profile of part-time students and PGRs who may face barriers due to caring responsibilities or disabilities. However, precisely because UKRI is not a regulator but is a funder with specific responsibilities to those that it funds, this work can only go so far, however well intentioned the rhetoric around being a steward of the system.

Given the recent changes in the funding structures for PhD programmes by AHRC, BBSRC, NERC, ESRC (with no doubt others to follow) there will be potentially more PhD students outside of funded opportunities like Doctoral Training Partnerships, and therefore outside of the direct remit of UKRI. Furthermore existing doctoral centres are predominantly delivering traditional PhD programmes, whereas industry-focussed and profession-led institutions have routinely developed professional doctorates, part time pathways, and industry-led doctorates to meet the needs of partners and of students. In an era of desired collaboration between industry and academia there are useful models here for delivering research degrees that can flex and adapt. There should be better support for them.

Setting the expectations around stipends is one area where more coherence and communication is needed. Understandably students are concerned about remuneration meeting their needs, particularly as the cost of living is so high. UKRI sets a minimum stipend, and institutions are given autonomy to make additions based on their own judgement. For those institutions not in receipt of UKRI funding, this stipend amount provides a benchmark. The benchmark operates as a way to secure recruitment, to demonstrate commitment, and to evidence parity of esteem - it says 'this PhD is of the same value, and operates under the same rules.' Yet UKRI have no power here, nor do they want it, over students they do not fund. And if UKRI is not the default benchmark, what is? What is a fair remuneration for students funded by institutions? That is one of a number of fundamental questions that will be left hanging in the air without more considered collaboration between UKRI and the OfS on PGR students.



Institutional engagement and intelligence

HEFCE had an overview of teaching, research and knowledge exchange, enabling the council to take action and support institutions in ways that the current organisations simply cannot - unless they work more coherently together. Institutional engagement was the bedrock of HEFCE; regular meetings with institutions allowed the discussion of issues pertaining to any domain of interest at the institution, and enabled an overview of how the institution was functioning as a whole. This may read a little utopian, but spend time with any Vice-Chancellors that have managed institutions in both regimes and you will hear appreciation for the cohesion of HEFCE's remit.

Research England has kept the institutional engagement team and retains positive and constructive relationships with institutions, but their interest stops at research and knowledge exchange; indeed they only allocate a manager to an institution once they are in receipt of QR funding. The OfS structures for institutional engagement are regulatory and as a result more formal, and they are not concerned with research. For institutions wishing to develop research this leaves a significant gap; who do they turn to to discuss their ambitions and realise such development?

The disjointed nature of institutional engagement - and intelligence - has significant implications for eligibility in research funding. While Research England frequently has a baseline criteria that institutions must be an 'Approved (fee cap)' provider on the OfS register, there is no such recognition for UKRI schemes. The Research Councils have not to date sufficiently updated their requirements to take note of the OfS, relying on old materials and arguably outdated understandings of the diversity of institutions in the sector. For most UKRI funds there is either an expectation that institutions will have a baseline level of research income already, or QR, or should become an Independent Research Organisation. Institutions attempting to establish research environments are caught up in guidance that is outdated, unclear, and with an underpinning reasoning which is largely opaque.

Other funders are beginning to look at other criteria to determine institutions' readiness to receive funding, with one stipulating that they must hold RDAP as a way to determine eligibility for specific schemes that develop ECRs. Such decisions, and on the other hand indecision and inaction, display a lack of intelligence about the variety and diversity of institutions involved in research, the excellence they have already achieved, and the extent of their experience in maintaining positive and impactful research environments. It also misunderstands the role of accrediting relationships that have long existed in higher education. For us such exclusions borders on an EDI issue; it discriminates based on size, specialism, preconceptions, and reputation, and takes no heed of objectively assessed quality or merit. These are real problems for emergent parts of the sector, and for those institutions wishing to consolidate their place in research and collaborate with others.

Conclusion

In our work with research-active, teaching intensive, small and specialist universities we see daily how the lack of coherence on these key issues is causing significant problems for these institutions which stymie their growth and development. The lack of clarity perpetuates out-of-date perceptions of smaller and specialist institutions, maintaining them in a holding pattern. Not least it makes it difficult for them to forge partnerships and collaborations in a sector where larger and research intensive institutions are given no tangible incentives to enter into such arrangements.

We don't need or want more regulation in research. There are already myriad structures and processes in place to demonstrate research has been done well, and has impact beyond the walls of the university. The REF is an obvious example, but there are many Concordats, not least the Concordat to Support Research Integrity, to which every institution is diligently responding. Indeed, the recent work by UUK, Wellcome and UKRI on those many initiatives demonstrate the ability of the research sector to self-organise and collectively address how to perform research and KE in ways that are rigorous, transparent, and which do not cause harm.

There are however worrying developments where the gap between the regulator, and what is regulated, and the councils with responsibility for research is being leveraged. Hot topics such as freedom of speech which are gaining political momentum are being used to impose agendas on research in ways to which the community is reacting with anger. Naming and shaming academics on an individual basis, based upon scant evidence and without due process of complaint and investigation, flies in the face of the core tenets of research integrity; transparency, rigour, accountability, care and respect. A lack of unity between the core principles of the bodies responsible for research is dangerous for the independence of research from the interference of political agendas, and we are deeply concerned about ministerial overreach.

The regulator for students must work more effectively with the other bodies that work in the areas of responsibility for research that they share, and vice versa. The current situation is impacting negatively on institutions that consistently demonstrate excellence in research, commitment to students, and commitment to widening participation but are penalised in the system for being either new to research, small in size, teaching-led, or specialist in focus. It would seem that in some cases one rule applies to those with a 'reputation', whilst other far stricter and stringent rules apply to those that do not. Research is fundamentally about asking novel questions and discovery. There is a risk in not permitting new entrants to the system, losing sight of new approaches to research, different research questions, and deeper understanding of specialisms.

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