

Institution: Kingston University		
Unit of Assessment: 23 – Education		
Title of case study: Better policy and regulation of private providers of higher education		
Period when the underpinning research was undertaken: 2009 – 2017		
Details of staff conducting the underpinning research from the submitting unit:		
Names:	Roles:	Periods employed by submitting HEI:
Robin Middlehurst	Emeritus Professor	2007 – 2017
Steve Woodfield	Associate Professor, Learning and Teaching Enhancement Centre	2007 – 2018
Period when the claimed impact occurred: Aug 2013 – 2020		
Is this case study continued from a case study submitted in 2014? N		

1. Summary of the impact

A nine-year programme of research (2009-2017) led by Middlehurst, with Woodfield and collaborators, on private providers of higher education, has generated impacts on policy development, regulation, and professional practice in the UK. The beneficiaries are the central authorities for higher education, the sector agencies, the private providers and university partners, and thereby hundreds of thousands of current and prospective students. The types of impact are enhancements to policy and system-level reform, national registration and reporting arrangements, and institutional governance; achieved through collaborations with sector agencies, a policy think tank, and other stakeholders. The reach of the impact is UK-wide, cross-sector and institutional, with a further influence on debates and policy development internationally, including in the USA and Ireland.

2. Underpinning research

The research is the first to systematically capture and analyse the contemporary contribution of private providers to UK higher education (HE). The research explains why the goals of successive governments - to expand choice and value for money in UK Higher Education through increasing market competition - have not been fully achieved. By systematically analysing the contribution of private providers, the team at Kingston were able to see how these newcomers fit into the current regulatory environment. The overall picture revealed by the research is that while private provision has stimulated changes to regulation, funding, competition, and collaboration across the sector, new types of small and medium enterprises are limited by overly complex and disproportionate regulation. The underpinning research was supported by four peer reviewed grants from UK agencies who were each collaborators and stakeholders in the design, conduct and dissemination of the research. All the research was based at Kingston University with additional policy expertise from John Fielden, an independent consultant who had previously worked for the World Bank and UNESCO on similar issues.

(1) The growth of private and for-profit higher education providers in the UK, 2009

Funded by Universities UK (GBP51K), the first study tracked all private providers who were known to relevant agencies and associations in the UK (n=674) using a structured online survey. Rigorous desk-based literature searches and in-depth interviews with policy agencies (n=34) captured new data about the market context. The findings highlighted the variety of provider organisations, most of which are based in and around London. The study also examined the potential for growth in the market compared to selected European countries. Key recommendations were made about priorities for registration of private providers, undertaking

due diligence, active management of partnerships, tight control of academic issues, and further research to examine policy options for regulating the UK sector [R1].

(2) Private providers in UK higher education: Some policy options, 2010

Funded by the Higher Education Policy Institute (HEPI) (GBP3.5K) the study analysed international data on private providers to show the scale of private education throughout the world and the various ways in which provider organisations are classified. The findings summarized the cases for and against private providers, and analysed the position in the UK compared with the USA. The main policy options raised by the research concerned the most effective way of widening choice without losing quality. The recommendations stressed the need for a 'level playing field' for different types of providers. The researchers argued that new legislation was needed to support growth through better regulation [R2].

(3) International comparator study to inform the quality assessment review in England, Wales and Northern Ireland, 2015

Funded by the Higher Education Funding Council for England (HEFCE) (GBP 9K) the study explored issues with the quality assurance system for all HE providers in England (QAA) including private providers. By analysing data from regulatory bodies in Norway, USA and Australia, the study identified a quality assurance approach – backed by legislation and that accommodated diversity and development towards self-accreditation – that was low-burden, outcomes-focused and that had proven effectiveness in other countries. The evidence was sufficiently strong to reach conclusions about which elements of other countries' approaches could be applied or adopted in the UK, why and how [R3].

(4) Alternative providers of higher education: issues for policy makers, 2016

HEPI funded a follow-up study (GBP1.5K) to explore in more depth the meaning of a 'level playing field' for different types of providers. This used international comparisons of regulation in the UK, USA, and Australia to generate a future-facing analysis of the challenges and issues, including classifying alternative providers, financing, and quality assurance systems. The results shaped proposals for policy interventions and related the evidence to the objectives that were being proposed by the Higher Education and Research Bill on HE. They found the Bill to be wanting, with powers over-centralised, registration requirements over-detailed, and overseas awards under-protected. [R4].

These research studies form one of the main bodies of academic work on private providers of HE internationally. Middlehurst has presented the research to international conferences, e.g. European Association for Institutional Research (2010) and the British Council (2011). Reflecting on the research in an invited book chapter [R5] Middlehurst describes the changing dynamics of HE and highlights gaps in knowledge that remain on the new regulatory framework and private providers.

3. References to the research

R1 – Steve Woodfield, John Fielden & Robin Middlehurst (2011) Working together, Perspectives: Policy and Practice in Higher Education, 15:2, 45-52, DOI: [10.1080/13603108.2011.569218](https://doi.org/10.1080/13603108.2011.569218) (peer-reviewed)

R2 – HEPI published the 2011 peer reviewed report, [Private providers in UK higher education: Some policy options](#). This report was cited frequently in the Department for Business, Innovation and Skills Research Paper No. 111.

R3 – HEFCE published the 2015 peer reviewed report, [International comparator study to inform the quality assessment review in England, Wales and Northern Ireland](#)

R4 – HEPI published the 2017 report [Alternative providers of higher education: issues for policy makers](#), and disseminated it to all its members and social media followers.

R5 – Robin Middlehurst, Privately Funded Higher Education Providers in the UK: The changing dynamic of the higher education sector. In 'A Global Perspective on Private Education'. eds. Mahsood Shah Chenicheri Sid Nair. 2016. Elsevier ISBN:9780081008980. DOI: [10.1016/B978-0-08-100872-0.00005-7](https://doi.org/10.1016/B978-0-08-100872-0.00005-7)

In addition, Middlehurst has held director-level roles in national agencies including the Higher Education Quality Council, the Leadership Foundation, and the Higher Education Academy, and membership of the Observatory on Borderless Higher Education's Advisory Board.

4. Details of the impact

The research has benefited each of the responsible authorities, jurisdictions and all of the provider institutions involved in UK HE, by raising awareness of private providers and contributing evidence to inform better policy, governance and regulation for the sector. Its impacts have been threefold. It has enhanced policy and system level reform; lead to a change in national registration and reporting arrangements for private HE providers; and supported institutional governance, leadership and operational excellence in the sector.

Enhancing policy and system-level reform

The research has directly contributed to the development of government policy and the reform of UK HE and its regulatory bodies. Politicians and civil servants have directly benefited from robust evidence about private providers in the UK and clarity about the policy issues involved in regulating a changing sector. As the Director of HEPI, and former Private Secretary at the DoFE testifies: *'Essentially, Robin's work has reminded people that this part of the higher education sector even exists. When I went into Whitehall in 2010, and we said to our civil servants, 'how many private education providers are there?' They said, 'we have no idea, they are not publicly funded institutions.' So, previously, Whitehall had very little understanding of private providers ... and Robin's work has helped inform that. It filled in a hole in policy knowledge in a very important way'* [S1]. Working with HEPI to create *'a quality academic output and producing her conclusions in such a way that is accessible for a range of policy audiences'* [S1] has raised awareness of the issues with over 10,000 people (by email and social media) including all the vice chancellors in the country, chairs and university governors, mission groups, civil servants and the media.

The research has guided a range of regulatory and membership bodies, approaches to a hitherto underdeveloped area of policy, including UUK, HEPI, HEFCE, and Advance HE. Support for private providers has improved, benefitting innovation in the sector and improving choice for students—particularly in professional and vocational training [R5]. UUK used the findings of the 2009 study as the main piece of evidence to develop a policy position on privately funded HE in 2013. As the CEO at that time states *'In particular, the issues identified in the report have informed UUK's development of policy on behalf of the sector in relation to, for example, the new regulatory framework, risk-based quality assurance, and new corporate forms'* [S2]. On the back of the 2009 study, UUK commissioned work (GBP6,400) looking at the relationship between private providers and the membership criteria and options for the review of those criteria. The core recommendations were accepted and, following institutional review in 2010, inclusion of private providers as members was permitted upon the fulfilment of specified criteria [S2].

The research also furnished the impetus for registration of private providers and centralised data collection from 2013 by the Higher Education Statistics Agency (HESA), the Quality Assurance Agency (QAA) and more recently, by the Office for Students (OfS). The same research provided definitions and a baseline for subsequent research on private providers by the Centre for Global HE (CGHE) [S3].

In 2013 the Higher Education Commission (HEC) Inquiry used the research (verbal and written evidence) to develop new regulation policy. As the testimonial from the Co-chair of the Inquiry explains, the impact of the research was two-fold: *'first on the Commission which was an authoritative Commission made up of senior politicians and policymakers, and secondly, directly*

impacting on the subsequent legislation on higher education that eventually appeared in the Higher Education and Research Act of 2017' [S4]. The Commission's 2013 report to Government 'Regulating Higher Education' [S5] uses the research as 'evidence of the overly complex and outdated accreditation system' (p36) and 'the need for a pluralist regulatory framework to create an equitable playing field' (p55). This research contributed to the evidence that informed the assent of the HE&R Act 2017, which created the OfS and its overarching responsibilities for provider registration, quality and standards.

Policy impact and institutional learning has spread beyond the UK through the research relationship with John Fielden, Middlehurst's role as Member of the Advisory Board of the Observatory for Borderless HE (2005-2020), international conference presentations, and open access dissemination of reports and articles. As the statement from the President of the USA Council for HE Accreditation explains: *'Finding substantive, reliable and insightful information has been challenging and this work has been essential as we have engaged in this subject. It has also informed our national policy discussions, especially as the for-profit sector in the United States has experienced enormous growth. This work has been most influential' [S6].* Consultancy work for Higher Education Authority Ireland (GBP6,800) informed a Forward-look forum in 2016 and generated evidence to support a process of system reform characterised by sound governance, regulation, strategic dialogue, collaboration, consolidation, and potential new relationships with private sector providers [S7].

Changes to national registration and reporting arrangements

In the absence of an overarching policy for private providers, the research has enabled officials working in HE to better understand the contexts and complexities involved in provider registration, and to develop strategies for regulating this changing market. Middlehurst has advanced the exchange of ideas on risk-related regulation, in her role as Co-chair of the HE Governance and Regulation Network. Evidence from the 2009 and 2010 studies informed the Department for Business, Innovation and Skills (DBIS) 2015 Consultation [S8] which was used in parliamentary discussions on HE [S9] and gave weight to calls for a new system of HE regulation and reporting. As a result of the 2010 research, early assumptions about the costs and commercial interests of private providers have given way to more evidence-based understandings of the benefits of employer-led niche training, and of social mobility for deprived groups accessing vocational training [R5].

In a revision of quality assurance policy, informed by Kingston's research, HEFCE developed new guidance on reporting arrangements for private providers. The findings of the 2015 HEFCE study [R3], were also among the fundamental resources that underpinned changes to the QAA system in England, intended to accommodate registration of provider institutions and the new types of courses they provided. For private providers in the UK – currently estimated to be 1,000 by the representative body Independent Higher Education (IHE) - their voices have been amplified in the regulatory process by the research relationships Middlehurst has nurtured with heads of private colleges and IHE. As IHE's Chief Executive testifies: *'Where the research has been very helpful for us, and influential, has been in marshalling our ideas and thoughts about regulation and governance. It has helped us to locate our plans in the wider context of the sector' [S10].* Furthermore, the research has made *'it easier for our members too, in terms of not blocking what they wanted to do to bring innovation to the sector' [S10].*

Institutional governance, leadership and operational excellence

Another key impact on stakeholders in the sector, both traditional and new, between 2013-2017 includes new knowledge on governance, leadership and expert advice on regulation and associated operational excellence. Middlehurst's boundary spanning roles as Director, Strategy, Research and International LFHE (2004-2014, 0.6 FTE), Non-executive Director of British Accreditation Council (2013-2019), Member of Board of Governors University of Brighton (from 2019) and Member of Audit Committee University of Brighton (2019-20), have facilitated knowledge exchange between various parts of the sector. As a result of Middlehurst's joint role at LFHE and then HEA, the successor organisation Advance HE has invested in projects on good governance that include private providers. Middlehurst provided advice (2013-17) on

governance and regulation policy to HEIs that continues to inform institutional policy implementation with benefits for transparency, quality, and protection of current and prospective students.

Senior leaders, top managers and administrators in UK HE, have benefited from professional advice on governance and quality through Middlehurst's role as Advisor to the Executive of the Higher Education Academy (HEA) (0.4 FTE secondment, 2014-2020). Private provider organisations have directly and indirectly benefited from Middlehurst's expertise and professional advice, partly thanks to her appointment as non-executive Director IHE and Chair of Nominations & Governance Committee (from 2019). The CE [S10] states *'change in position on regulation, governance and the broader understanding of the public interest has been critical to opening up the sector. I'm not sure we would have got here, or at least in the timeframe that we did, without the intellectual groundwork having been laid by Robin's research ... she has helped us to lead by example.'* For example, Middlehurst led conference sessions, governance workshops, and a dedicated session on review and audit for member organisations (2019-20). For small private providers, this was the first opportunity to situate their activities within an explicit governance strategy informed by external codes of practice - with a positive impact on quality standards and value for money for students [S10].

5. Sources to corroborate the impact

S1 – Testimonial from the Director of HEPI

S2 – Testimonial from the Chief Executive of UUK

S3 – The 2016 report by the CGHE, Private Providers of Higher Education in the UK: Mapping the Terrain

S4 – Statement from the Co-chair of HEC Inquiry 2013/14

S5 – The 2013 HEC report cites the research as evidence for UK policy development

S6 – Testimonial from the President of CHEA

S7 – Higher Education Authority (Ireland) Private Providers: What Role Should They Play in the Irish Higher Education Landscape?

S8 – The 2016 DBIS report *Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice* uses the research as evidence for policy development (p 30-33, 63)

S9 – Parliamentary debate mentioning the 2009 and 2010 studies [Hansard 25/1/2017 vol778](#)

S10 – Testimonial from the Chief Executive of IHE