

# Review of the impact on UK higher education institutions of complying with the points based system for immigration (Tier 4)

Higher  
Education  
Better  
Regulation  
Group

**HE  
BRG**

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# EXECUTIVE SUMMARY

The recruitment of international students from outside the European Economic Area (EEA) brings many benefits to UK higher education, and has become a business-critical component of many higher education institutions' (HEI) strategies. Consequently, any potential disruption to the recruitment process of these students raises considerable concerns for HEIs.

The Government is committed to reducing levels of net migration, which have increased significantly since the mid-1990s and expects the student route to make a contribution towards this reduction.

It is recognised that the implementation of the points based system (PBS) (Tier 4) immigration regulations has been a complex process for all concerned. It came into effect in March 2009 and was phased in over a period of 11 months.

This rapid implementation caused much disruption for all concerned. Operating the system and keeping up to date with policy changes still consumes significant resources in higher education (HE).

The introduction of Highly Trusted Sponsor (HTS) status did make operating easier. However, it is unclear what impact further changes to HTS and the requirement for all Tier 4 licence holders to achieve HTS status will have.

While operating errors are less frequent than might be expected for a system of this size, there remain numerous operating difficulties caused by the system's original design. Currently, there is no way of capturing these operating errors and determining priorities for future enhancements. The critical nature of the recruitment process tends to generate many queries from HEIs to the UK Border Agency (UKBA), which can then struggle to respond. HEIs point to ambiguous guidance, inconsistencies in responses and a reluctance to take responsibility for resolving issues.

Inspection visits also suffer from inconsistencies and often do not provide any feedback. UKBA is currently updating its officer guidance on visits.

This review makes ten recommendations.

**Recommendation 1:** Base the new HTS regime on exceptions identified through the sponsorship management system (SMS) rather than annual re-application.

**Recommendation 2:** Introduce an escalation of sanctions for non-compliance prior to suspension of HTS and provide clear guidance on their implementation.

**Recommendation 3:** Reinstate the register of future enhancement requirements and monitor through the Joint Education Taskforce (JET), or a sub-group established to consider IT systems issues.

**Recommendation 4:** Identify the regulation(s) that restrict the advance bulk purchase of confirmations of acceptance for studies (CAS) by HEIs and propose that these are reviewed within the Cabinet Office Red Tape Challenge initiative.

**Recommendation 5:** Undertake a feasibility study to establish ways of streamlining guidance offered to HEIs and increasing the speed of UKBA's response rate to queries.

**Recommendation 6:** Continue to develop consistent guidance for field visits and HTS rules, and evaluate these with HEIs through Academic Registrars Council (ARC), Universities UK (UUK) and GuildHE.

**Recommendation 7:** Organise a series of events in collaboration with ARC, UUK and GuildHE to communicate the new HTS system and visit guidance across the sector.

**Recommendation 8:** The Higher Education Statistics Agency (HESA) should collaborate with UKBA and the Universities and College Information Systems Association (UCISA) to establish the feasibility of receiving data from the SMS for subsequent analysis on behalf of HEIs and incorporate this within the HESA feasibility study for the new information landscape.

**Recommendation 9:** UKBA and the sector should agree an annual calendar for the timing of changes to Tier 4, wherever possible providing appropriate advance notice of unanticipated additional changes that may be required.

**Recommendation 10:** UKBA is invited to adopt the *Principles of Better Regulation for Higher Education* published by the HEBRG.

Together these recommendations should increase consistency and transparency. They should also facilitate increased collaboration between the UKBA and the HE sector resulting in increased efficiency and effectiveness. Equally important, they will enhance the overall experience of UK higher education for a significant proportion of the student population.

# TERMS OF REFERENCE

1. The terms of reference for the SUMS review were to develop recommendations to:
  - Ensure that UKBA and HEI systems act in a complementary fashion to provide for the efficient and effective flow of information and the elimination of duplication.
  - Ensure that systems and processes are refined to provide an appropriate balance of benefits, costs and risks.

# BACKGROUND AND APPROACH

## Background

2. International students are academic, cultural and economic assets for the UK. They make a vital contribution to the country while they study here. This contribution continues once they graduate as 'friends of the UK' able to support trade, diplomatic and cultural activities. They also contribute to the strong international reputation of UK universities; for example, the Times Higher Education World University rankings 2010, which uses the number of international students and staff as a measure of success for a university, includes three UK universities in the top 20 and 14 in the top 100 universities in the world.<sup>1</sup>
3. In 2008/09, according to HESA data, there were 251,334 international (non-EU) students at UK HEIs within a total student population of 2,396,051. This total comprised 92,630 international students on first degree undergraduate programmes, 19,599 on other undergraduate programmes, 111,249 international students on postgraduate taught programmes and 27,856 international students on postgraduate research programmes.<sup>2</sup>
4. International students are increasingly vital to the UK HE sector as a major source of income. In 2008/09 the income from tuition fees paid by international students was £2.2 billion in cash terms, over nine per cent of the sector's total fee income.<sup>3</sup> Therefore, the smooth recruitment and admission of appropriately qualified international students is a critical business for many UK HEIs.
5. An important element of the process in recruiting students from outside the EEA is the granting of visas to enable students to enter the UK for the purpose of HE study.
6. However, the Government is committed to reducing levels of annual net migration to the UK, which have increased significantly since the mid-1990s. Students now represent the largest proportion of non-EU net migration. In 2009, the student route (including dependants) accounted for approximately 139,000 out of the total net migration figure of 184,000, which is 76 per cent of total net migration.<sup>4</sup> The Government has made it clear that it expects the student route to make its contribution towards reducing net migration and has implemented a number of measures to secure this.
7. HEIs fully accept the importance of compliance with the sponsorship policy and processes, and this review is concerned with securing the most effective and efficient operation of these processes through the PBS (Tier 4) for all stakeholders.
8. The implementation of the PBS (Tier 4) immigration regulations has been a complex process for all concerned. Tier 4 is the student category covering all levels of education. It came into effect in March 2009 and was phased in over a period of 11 months.

<sup>1</sup> <http://www.timeshighereducation.co.uk/world-university-rankings/2010-2011/top-200.html>

<sup>2</sup> Universities UK, 2011. *Universities UK response to 'The student immigration system – a consultation'*, p8.

<sup>3</sup> *ibid.* p11.

<sup>4</sup> UK Border Agency, 2010. *The Student Immigration System: a consultation*, p6.

9. Implementation has required HEIs to develop systems and change processes to provide the information required by UKBA. Some of the required changes have led to improvements for HEIs; for example, postgraduate applicants now have to decide on a single offer much earlier, which helps the admissions processes and reduces the number of 'no shows'. Other changes have served to increase compliance in this tier, and the repercussions of non-compliance have become greater. At the same time HEIs are also facing increasing compliance in other tiers on employment. Other more specific examples of ambiguous guidance and lack of formal definitions are cited as the cause of frustration; for example, the definition of attendance is not straightforward in some disciplines.
10. It is clear, however, that while the ultimate aims of HEIs and UKBA may differ there is significant commonality of interest to pursue the goal of securing an effective and efficient operation of the systems and processes that meets all parties' requirements as far as possible.
11. The introduction of HTS to enable more streamlined processes for approved HEIs had started the process of moving away from a blanket approach to one that balances costs, benefits and risks. The announcement in April 2011 that all Tier 4 providers will have to reach HTS status has, however, clouded this issue, suggesting a return to a one-size-fits-all approach.

## Approach

12. A phased approach to this review was agreed and this report covers the first phase, during which we reviewed relevant documentation and interviewed key stakeholders. Depending on the responses to the recommendations, subsequent phases may be commissioned, for example, undertaking a more detailed quantitative analysis of the impact on the sector.
13. A steering group was established for the review, and sector representatives identified a list of twelve key stakeholders from within HEIs for interview. UKBA were represented in the Steering Group and they identified further key individuals for interview. Members of the Steering Group are listed in Annexe A and a list of all interviewees is included in Annexe B.
14. For logistical reasons, the majority of HEIs were interviewed first. There was then initial feedback to the Steering Group which confirmed the emerging themes. These were then explored in more detail with the remaining HEI and UKBA interviewees prior to the production of this report.

## Scope

15. There are many activities that are carried out overseas by the UKBA and agencies acting on behalf of HEIs; these were placed out of scope for the review.

# INTERVIEW FINDINGS

## History

16. Before presenting the findings from the interviews, a brief overview of the implementation of Tier 4 is provided. As noted earlier, recruitment of international students has become increasingly important for many HEIs. An inability to recruit overseas students for just a few months at the wrong time of year could seriously damage their financial sustainability. Consequently the HE sector is very sensitive about the potential impact of the fine detail of the policies within which it is required to act.
17. As noted above, the implementation of Tier 4 was phased in over 11 months. This was very rapid given the scale of the changes and the number of bodies involved. Inevitably, considerable stress was felt by all involved. However, there were no major failures. All HEIs were successfully registered as Tier 4 sponsors and international students continued to be able to come to the UK to study. Although operating the system still consumes significant resources in HE, several interviewees believed it to be better in many respects than the old visa letter regime. Furthermore, HE compliance is recognised as being very high; only two per cent of the sample of university students were potentially non-compliant in a Home Office study in 2010.<sup>5</sup>
18. The rapid implementation did, however, create a number of areas that still cause operational difficulties for HEIs. Many of these relate to the decision to base the Tier 4 system on the employer model for processing visas to fill vacant staff posts. The employer model has to cope with a far lower volume of visa applications compared to the high volume of student visas processed by HEIs, particularly over the summer months in advance of the new academic year. There have also been continuous changes in policy since implementation that make operational life difficult for all involved. Indeed, Nichola Carter from Penningtons Solicitors LLP recently recorded that in the three years since July 2008 there have been 14 sets of sponsor guidance notes issued which cover Tier 4. Furthermore, since HTS was introduced last year, there have been three sets of guidance issued, with a substantial review underway.<sup>6</sup>

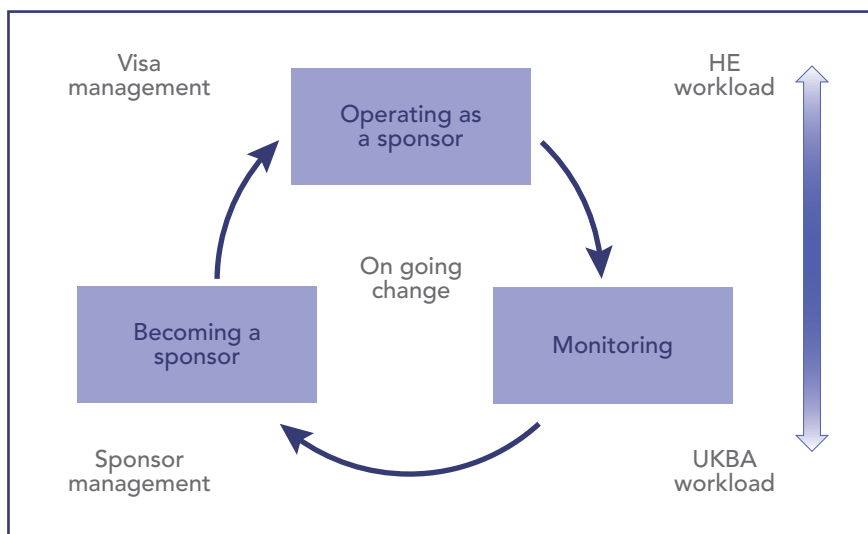
<sup>5</sup> UK Border Agency, 2010. *Overseas students in the immigration system: types of institution and levels of student*. (figures as at 31 August 2010), p7.

<sup>6</sup> Carter, N. 2011. Tier 4: *Changing direction*. UKCISA Annual Conference, 29 June – 1 July 2011 University of Bath. Available at: <http://www.ukcisa.org.uk/training/conference/presentations.php>.

## Operational context

19. A framework for reporting the interview findings and subsequent themes and recommendations is provided through the operational context that is summarised in Figure 1. This shows the main activities carried out in the UK by HEIs and UKBA.

Figure 1: Overall operational context



This identifies three main activities within the process:

- Becoming a sponsor
- Operating as a sponsor
- Monitoring compliance

It also highlights the potential for a mismatch in priorities between the HE sector and UKBA.

## Workload mismatch

20. It is interesting to note that there is marked difference in workload between HEIs and UKBA. The major workload for HEIs is visa management, as indicated at the top of the diagram while the major workload for UKBA is the management of Tier 4 sponsors, as indicated at the bottom of the diagram (not to mention the sponsors in all the other tiers). Consequently, the priorities of the organisations can often differ. Home Office figures confirm this potential for mismatch in priorities. A 2010 analysis of the Tier 4 sponsor register identified that universities represent the smallest proportion of Tier 4 sponsors (seven per cent) but they assigned the highest number (51 per cent) of CASs.<sup>7</sup>

<sup>7</sup> UK Border Agency, 2010. Overseas students in the immigration system: types of institution and levels of student. (figures as at 31 August 2010), p4.

## Becoming a sponsor

21. The first step in the process is becoming a sponsor. Originally this involved applying for a licence, which was issued by UKBA. About a year ago, UKBA introduced HTS, which again required an application and was granted for 12 months.

## HTS implementation

22. There was extensive consultation on the initial process for obtaining HTS but widespread disappointment that so little sector feedback was taken into account for its actual implementation. The application process was time consuming in providing copious data that seemed to HEI respondents to be of little value. Some of the data requested by UKBA was virtually impossible to produce and became the subject of ongoing consultation throughout the implementation. Once in place, however, HTS has represented a marked improvement on the original rules, particularly in recognising the practical complexities of monitoring attendance across a wide range of courses and recognising the differing levels of risk involved.

## Ongoing concerns

23. There remained ongoing concerns over changes introduced in 2011. Some respondents reported at the time that they were still unclear about the process for renewing HTS, although this has now been clarified.
24. From April 2012, all Tier 4 sponsors must obtain HTS status. By the end of 2012, they will also need to have been inspected, audited or approved by one of the educational oversight bodies specified by UKBA.
25. There are concerns over how the system will cope with a substantial increase in applications for HTS. Furthermore, the loss of HTS will now have the same impact as removing a sponsor's Tier 4 licence. This will render them incapable of sponsoring international students, which may put the continued existence of some HEIs at risk. HTS used to offer a means of distinguishing some sponsors from others, affording them special privileges and an enhanced reputation, but to the respondents, this advantage now appeared to have been lost.
26. UKBA have reviewed the criteria for gaining HTS status and published proposals for revised criteria on 18 July 2011.<sup>8</sup> At the time of the interviews, they recognised that a simple removal of HTS would not be appropriate in such a business critical area and are now proposing a sliding scale. UKBA does, however, ultimately have to retain the right to close the border without notice in response to an appropriate threat, as is the case in all other areas.

<sup>8</sup> UK Border Agency, 2011. Highly Trusted Sponsorship for Tier 4 Sponsors: proposed criteria. Available at: <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2011/july/28-hts-proposed-criteria>

## Operating as a sponsor

27. The main activities in operating as a sponsor are issuing CASs to prospective students and then noting their enrolment and checking their credentials. Students who do not turn up to enrol at the HEI have to be reported to UKBA. This activity is very cyclical with large peaks during the recruitment and arrival of students. For the HEIs with larger populations of international students the numbers can be in the thousands.
28. Throughout the course of study student attendance is monitored and students who are deemed to be no longer studying are reported to UKBA. The issues identified in operating as a sponsor are presented under these headings:

Operational errors – errors that have occurred in operating the system

Operational inefficiencies – aspects of the design that cause inefficiencies and potential duplication of resources

Policy matters – aspects of policy that are challenging to articulate transparently.

### Operational errors

29. Given the size of the system and the speed of implementation relatively few errors were reported.
30. The most important error concerns the time that it can take to get a level 1 user added to the sponsorship management system (SMS). Timescales in excess of four months were cited by respondents, which is clearly not workable.
31. It was also reported that CAS status is not always kept up to date. This varies across the UKBA overseas offices.
32. Finally, there is concern that UKBA seldom appears to take any action after being informed that sponsorship has been withdrawn from individual students.

### Operational inefficiencies

33. There are many areas where the system or processes could be enhanced to improve efficiency within HEIs and reduce queries for UKBA.

### CAS issue

34. Currently HEIs issue a CAS on SMS and can subsequently see whether the student has used the CAS to apply for an associated visa or whether the CAS has expired. From the accessible information, they cannot tell whether any visa applications made have been successful. Considerable effort may then be expended in chasing students who no longer intend to study with them.
35. Some officers overseas are very strict in their interpretation of the rules and reject visa applications where there has been a simple misunderstanding. The applicant outside the UK can request an administrative review, which will usually rectify this but the length of time taken to resolve the matter is such that most HEIs advise potential students to re-apply. This is a concern because it impacts on the percentage of CASs denied, which could later be interpreted as a reduction in quality or reliability of the HEI's offers. The application of more judgement here could reduce the number of rejections and the workload for all concerned in handling reviews or re-applications.
36. There are some problems around new CAS allocations. A new allocation cannot be requested more than three months prior to expiry of the old one but there is a danger of running out of CASs if the request is not processed quickly. As the volume of student applications is difficult to predict, a sudden rise in demand can cause problems.

## CAS payments

37. Having been based on the employer model, SMS requires payment for each CAS by credit card. This type of process works well for employers who are dealing with much lower volumes of applicants for vacant posts. Even major global companies will only need to issue relevant visa-related documentation to a few applicants in the course of week. An HEI with a large international student population could issue visa-related documentation to hundreds in a relatively short period of time. Therefore, the ability to pay on invoice or some other form of bulk payment would save significant effort and resources. It could also remove what must be significant associated transaction charges for UKBA.

## Operational queries

38. There were several reports that it was difficult to get somebody at UKBA to take ownership of some of the more complex questions that arise. There were also reports that different regions could give different answers to the same query. Originally, HTS was meant to bring with it the assistance of a dedicated account manager but this has not happened.
39. UKBA finds it difficult to respond to the volume of intricate queries directed at it. Although answers can often be found in the published guidance, the serious consequences of making an error lead staff in HEIs to frequently 'double check' their understanding of a query, both with colleagues in other HEIs but also with UKBA.
40. UKBA are currently exploring the possibility of developing a computerised rule engine that will make it much easier for frontline staff to provide definitive answers.
41. UKBA have also considered setting up a team of experts but there is concern that all questions would then be directed to them rather than through operational channels. The ultimate aim must be to improve the guidance to the point where additional questions are seldom needed.

## Future enhancements

42. During implementation there was a Future Enhancement Requests List (FERL) used to track and prioritise requests for changes. Currently, there is no formal mechanism for highlighting or addressing issues such as those recognised above, apart from passing them to sector representatives to raise at the JET. This group is composed of representatives from across the education sector and government. Its aim is to support partnership working across government and engage all the key stakeholder groups on immigration issues affecting international students. It is a useful meeting point, but since it covers all education sectors, it can be difficult to secure sufficient space to address specific issues relevant to one sector.

## Operational effectiveness

43. Many HEI respondents questioned the value of the volume of scanning and storage that has to take place when non-compliance in the sector is so low.

## Policy matters

44. HEI respondents reported that they found the policy statements difficult to follow, despite the fact that all of them were in roles that require them to be adept at following the complex policies already existing in HE.
45. UKBA recognises that the policy statements are complex: they have to cover such a wide range of areas of which HE is but one. The associated guidance notes should be the focus of users' enquiries. There is, however, concern in HE that the guidance can indicate burdens in excess of the policy statements.

## Monitoring compliance

46. The main activity here is the programme of inspection visits carried out by UKBA officers. There is also the potential to provide management information from the SMS but this has not been used significantly to date.

### Consistency and appropriateness of visits

47. The major concerns in this area were around the UKBA inspection visits. There has been a wide variety of styles to the visits. Some can last hours and others days or even weeks. Some are scheduled in advance; others are unannounced, depending on the availability of field officers. The information requested can vary greatly and is sometimes not relevant to the HEI. For example, some have been asked for the Human Resources files of students who would not normally have such files. This suggested a general lack of knowledge of HE and raises questions about the value and validity of such visits.
48. There is some indication of 'scope creep' in what the officers are expecting to see on a visit. One HEI might have started checking visas twice a year in response to a particular local issue. Having seen this, officers then ask other HEIs whether they are doing the same thing, even when it is not a compliance requirement. Confusion then arises amongst institutions as to what their actual compliance responsibilities are.
49. UKBA have acknowledged the need for greater clarity on the format of inspection visits and new officer guidance is being prepared with input from UUK and the ARC. As noted above, they are also considering a sliding scale prior to suspension in the new rules for HTS.

### Visit feedback

50. Currently there is generally no feedback from visits: 'No news is good news' is the position. HEIs are already held accountable by a number of other bodies such as the Quality Assurance Agency for Higher Education (QAA) and appreciate the value of constructive feedback in enabling them to perform better. For example, the QAA has service standards underpinning its conduct of institutional audits. These include a commitment to writing to the institution within two weeks of the end of the audit visit to outline the main findings and the likely recommendations. A draft report is produced within eight weeks for the institution to comment on.<sup>9</sup>
51. While recognising the resource implications for UKBA, a similar approach to feedback would be welcome. The lack of feedback is particularly worrying for respondents as the first step in the case of non-compliance appears to be suspension of HTS, which could be very damaging for some institutions.

### Data duplication

52. It was mentioned by several respondents that there may be data duplication between organisations such as the HESA and UKBA. However the respective returns are generally produced by different areas within HEIs and no specific examples have been produced. While HESA collects and reports on annual returns, the majority of UKBA data is concerned with real time CAS transactions. Potential duplication will, therefore, depend on the data that is required for the continuation of HTS.

<sup>9</sup> Quality Assurance Agency, n.d. Service standards for Institutional Audit. Available at: <http://www.qaa.ac.uk/InstitutionReports/types-of-review/Pages/Service-Standards-for-IA.aspx>

## Management information

53. Until now there has been very little reporting from SMS. UKBA are planning that such reporting will play an important role in maintaining HTS rather than the completion of complex forms. This is generally welcomed although there is concern that effort will be required to ensure the resulting figures are correctly interpreted. For example, minor changes in already small numbers could produce large swings in percentages that could be interpreted as a problem in quality or compliance.
54. It was also noted that SMS now contains a wealth of data on the preferences and behaviour of potential international students considering studying in the UK. Properly analysed, this could provide valuable information for the ongoing development of the international reputation of HE in the UK.
55. It is recognised that the provision of such information is outside the scope of UKBA but it may be possible to bulk download data to an organisation such as HESA which could then facilitate the analysis. It would be timely to consider this now, since HESA is seeking to collaborate with institutions over the collection and use of information. This is a key element in HESA's vision for the redesign of the information landscape for HE, the ultimate aim of which will be to reduce the information burden on HE providers while ensuring easy access for students and other stakeholders for information.<sup>10</sup>

## Ongoing change

56. It should be recognised that changes to policy and rules have been continuous since the initial implementation. Periods of stability have not lasted more than a few months. Clearly this creates operational problems for all concerned.
57. There are implications for HE. As noted above, the volume of international students is high and much of the processing has to be integrated into student record systems (SRS) that are already complex, and not standard across HEIs. The SRS are also subject to annual changes required by other HE sector bodies. Additional changes in response to compliance requirements for immigration are very difficult to accommodate unless they have been planned in advance.
58. As noted above, HE is subject to variable cycles of activity. Change is much easier to accommodate at certain times. For example, the April 2011 change in English language requirements came in the middle of the recruitment cycle. Many HEIs will have had thousands of conditional offers out which will all have had to be reviewed and, if appropriate, amended, with applicants having to be contacted and informed.
59. The constant change increases the administrative burden in an environment where HEIs are being encouraged to secure resource efficiencies. Version control is critical: staff have to be aware when students entered the system and which particular set of rules applied at that time. It is not easy to locate the relevant regulations on the UKBA website.

<sup>10</sup> HESA, 2011. Redesigning the information landscape for higher education. Available at: <http://www.hesa.ac.uk/index.php/content/view/2149/161/>

# EMERGING THEMES AND RECOMMENDATIONS

## Becoming a sponsor

60. The major theme here is the development of the new regime for maintaining HTS. It is recommended that the new regime be based on:

- A sliding scale of escalation that has several steps before suspension.
- Use of SMS data to identify exceptions rather than complex re-application for all.
- Involvement of HEIs to ensure the SMS data is being properly interpreted.

**Recommendation 1:** Base the new HTS regime on exceptions identified through the sponsorship management system (SMS) rather than annual re-application.

**Recommendation 2:** Introduce an escalation of sanctions for non-compliance prior to suspension of HTS and provide clear guidance on their implementation.

## Operating as a sponsor

### Prioritising future enhancements

61. A large number of operating difficulties have been identified together with potential enhancements to alleviate them. Currently, there is no process for collecting and prioritising these so that UKBA can decide which may deserve some of its already stretched resources for resolution.
62. It is recommended that a register similar to the former FERL be instituted to record these requests and identify their importance and resource implications. A phased and prioritised approach can then be adopted that both improves the system and balances costs, benefits and risks. Oversight of this register might be allocated to the JET or a sub-group.

**Recommendation 3:** The register of future enhancement requirements should be re-instated and monitored by the JET, or a sub-group established to consider IT systems issues.

### Reducing operational inefficiencies

63. The system of handling the payment for each CAS individually, which is costly in staff time for HEIs, is an area where greater efficiencies might be secured for UKBA and HEIs if a system similar to advance bulk purchase could be agreed.

**Recommendation 4:** Identify the regulation(s) that restrict the advance bulk purchase of CAS by HEIs and propose these are reviewed within the Cabinet Office Red Tape Challenge initiative.

## Operational queries

64. A theme also emerged around difficulty in getting satisfactory and consistent answers to complex questions from UKBA. It may be appropriate to set up a dedicated team of HE experts to respond to these questions. Similarly, it may be possible to set up a list of FAQs to satisfy many of the questions. Ideally this list would be jointly owned between UKBA and the HE sector, probably through UUK. However, this should not be a substitute for current operational channels. It is recommended that a brief feasibility study be carried out by UKBA in collaboration with ARC to:

- Analyse the questions currently directed at UKBA
- Determine the scope for FAQs to provide answers
- Determine the need for a specialist team and develop terms of reference
- Design a process to feedback into the FAQs and eventually into the enhancement of guidance.

**Recommendation 5:** Undertake a feasibility study to establish ways of streamlining guidance offered to HEIs and increasing the speed of UKBA's response rate to queries.

## Monitoring compliance

65. There was much concern about the consistency and appropriateness of inspection visits and UKBA are already developing new guidance for visiting officers. HE would welcome a more simple, consistent and transparent regime with better feedback.

66. Given the business critical nature of international student recruitment, HEIs are determined to ensure that they interpret the guidance correctly and, by adopting a cautious approach, generate even more detailed questions directed to UKBA. The new process for HTS and visit guidance should help allay these fears. UKBA have also offered to hold some events that explain the inspection regime and indicate the levels of non-compliance that they would need to see in order to consider action. It is strongly recommended that this take place as part of a package to introduce the new HTS and visit regimes.

**Recommendation 6:** Continue to develop consistent guidance for field visits and HTS rules, and evaluate these with HEIs through ARC, UUK and GuildHE.

**Recommendation 7:** Organise a series of events in collaboration with ARC, UUK and GuildHE to communicate the new HTS system and field visit guidance clearly across the sector.

67. The wealth of data in SMS could be used to generate useful information that could enhance the international reputation of HE in the UK. It is recommended that UKBA investigates the possibility of exporting data for such analysis by the sector, in collaboration with the HESA and UCISA.

**Recommendation 8:** HESA should collaborate with UKBA and UCISA to establish the feasibility of receiving data from the SMS for subsequent analysis on behalf of HEIs and incorporate this within the HESA feasibility study for the new information landscape.

## Ongoing change

68. It is recognised that change will always be driven in the main by the needs of Parliament and the political imperative. However, both UKBA and the HE sector need a period of stability in order to review current operations and ensure they are operating efficiently and effectively.
69. It would also be very helpful if, wherever possible, the timing of changes to immigration practice could take into account the operational cycles that drive HE.

**Recommendation 9:** UKBA and the sector should agree an annual calendar for the timing of changes to Tier 4, wherever possible, providing appropriate advance notice of unanticipated additional changes that may be required.

## Realising the benefits of regulation

70. As the regulation framework changes in response to proposals in the White Paper *Higher Education: Students at the Heart of the System*, it is important to ensure that the overall impact of regulation is beneficial, both for HEIs and UKBA. Therefore UKBA is invited to adopt the *Principles of Better Regulation for Higher Education* published by the HEBRG and report annually on the benefits derived by HEIs from its regulation.

**Recommendation 10:** UKBA is invited to adopt the *Principles of Better Regulation for Higher Education*<sup>11</sup> published by the HEBRG.

<sup>11</sup> Higher Education Better Regulation Group. *Principles of Better Regulation for Higher Education*. Due Autumn 2011.

# CONCLUSION

71. This review has been undertaken at a time of great change, both in the policy area relating to the PBS and for the HE sector more broadly. Nevertheless, the insight into the concerns of those with responsibility for operationalising the PBS (Tier 4) policy gained through this review has offered evidence on which to base a number of recommendations to achieve greater consistency and transparency.
72. Universities UK, GuildHE and UKBA are invited to consider the recommendations and take them forward with a view to enhancing collaboration between the UKBA and the HE sector and encouraging increased efficiency and effectiveness. Equally important, is the potential for enhancing the overall experience of UK higher education for a significant proportion of the student population.

# ABOUT

## Higher Education Better Regulation Group

The Higher Education Better Regulation Group (HEBRG) was established in early 2010 as the successor to the Higher Education Regulation Review Group (HERRG).

It is supported by Universities UK and GuildHE and funded by the Higher Education Funding Council for England, the Scottish Funding Council, the Higher Education Funding Council for Wales and the Department for Employment and Learning (Northern Ireland).

HEBRG is committed to raising the profile of better regulation for higher education, increasing understanding of its benefits and enhancing communication between the sector and its regulators.

HEBRG has an independent Chair (Sir Graeme Catto) and the membership is composed of representatives from HEIs, regulators, funding bodies, sector agencies, representative bodies and government departments.

For more information on HEBRG, please visit [www.hebetterregulation.ac.uk](http://www.hebetterregulation.ac.uk)

## SUMS Consulting

SUMS Consulting works for universities and is owned by universities. It is a niche management consultancy and charity that combines a deep knowledge of higher education with specialised expertise in strategy implementation, business improvement and organisational transformation.

SUMS is owned by its member universities who guide its development and ensure services are aligned to their needs. The membership model positions SUMS uniquely to develop and promulgate best practice.

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This review was undertaken on behalf of HEBRG by SUMS Consulting. Any enquiries should be directed to Dr Brooke Sperry, Policy Officer, HEBRG: [brooke.sperry@hebetterregulation.ac.uk](mailto:brooke.sperry@hebetterregulation.ac.uk) or Bob Walder, Principal Consultant, SUMS Consulting: [b.walder@reading.ac.uk](mailto:b.walder@reading.ac.uk).

# ANNEXE A

## Members of the HEBRG Immigration Regulation Steering Group

Wendy Appleby, Academic Secretary, Queen Mary University of London,  
representing Academic Registrars Council

Jo Attwooll, Policy Adviser, Universities UK (member: January–June 2011)

Helen Bowles, Policy Adviser and Deputy Chief Executive Officer, GuildHE

Dr Janet Hanson, Policy Adviser, HEBRG (Chair)

Catherine Marston, Policy Adviser, Universities UK (member: September–December 2010)

Janet Pearce, Interim Head of Policy and Public Affairs, UCAS

Dr Brooke Sperry, Policy Officer, HEBRG

Stephen Taylor, Assistant Director for PBS Sponsorship, UKBA

Peter Tinson, Executive Secretary, UCISA

Andy Youell, Director of Quality and Development, HESA

# ANNEXE B

## Interviewees

All those who contributed to this review are thanked for the open and frank dialogue with the author, which enhanced the usefulness of this report.

### Higher Education Institutions

David Christmas, School of Oriental and African Studies, University of London,  
Director of Student and Registry Services

Dr Lisa Davies, University of Wales Institute, Cardiff (UWIC), Deputy Head of International Office

Yvonne Gordon, University of Aberdeen, Deputy Academic Registrar (Student Services)

Dr Philip Harvey, The University of Sheffield, Registrar and Secretary

Dr Lisa Isted, University of Bath, Assistant Registrar and Head of Graduate Office

Tim Johnson, Northumbria University, Head of Strategic Partnerships, International Office

Laura Kishore, University of Reading, Academic Registrar, Student Services Directorate

Tam Milner, University of Birmingham, Assistant Director, Registry

Mike Page, The London School of Economics and Political Science,  
Head of ARD Systems and Business Processes

Simon Beattie, The London School of Economics and Political Science,  
ARD Systems and Business Processes

Paul Travill, University of Wolverhampton, Academic Registrar

Simeon Underwood, The London School of Economics and Political Science, Academic Registrar

Ms Steph Watt, Sheffield Hallam University, Head of Student Information Processes,  
Secretary and Registrars Department

### UK Border Agency

Gareth Morris, Assistant Director for Immigration Policy

George Shirley, Assistant Director for PBS Sponsorship

Stephen Taylor, Assistant Director for PBS Sponsorship

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This report has been produced for and reviewed by the commissioning institution. The statements and views expressed represent the understanding of the author and the institution arising through the approach described at the time of writing.

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