

A Guide to UK Higher Education and Partnerships for Overseas Universities

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UK Higher Education International and
Europe Unit
Research Series/9
July 2011
ISBN 978-1-84036-257-2

BIS
Department for Business
Innovation & Skills



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Foreword

This Guide to UK higher education and partnerships, commissioned by the UK Higher Education International and Europe Unit serves as a starting point for overseas institutions interested in establishing collaborations with UK higher education institutions (HEIs).

The UK higher education sector has a long, and distinguished track record of establishing sustainable partnerships with overseas institutions. They range from single faculty student and staff exchanges, dual and joint degrees and accreditation, through to world-class research collaborations. Such diversity means there is a wide choice for potential collaborative partners; but it is vital that interested parties are matched to the right institution for their particular needs and interests.

The Guide is aimed at staff working in universities around the world where there is an interest and willingness to collaborate with the UK. It offers a narrative on the history of UK higher education, the role of internationalisation, a summary of the different types of collaborative activity in which HEIs are engaged, and the key issues to consider such as visa and immigration laws and the legal regulation of partnerships.

Our previous reports have addressed specific needs of the UK HE sector when engaging internationally: our Legal Guide offered invaluable information on the laws and regulations of international partnerships while our Guide to Offshore Staffing Strategies provided advice on recruiting the best staff for overseas operations. This Guide is directed at potential overseas partners, offering an 'all you need to know' to engagement with UK HE.

Despite significant changes to the UK HE in the past year, most notably the visa and immigration rules and the tuition fees system, we still believe that international activities add to the cultural and academic richness of our sector. We are still very much 'open for business'; still keen to develop new partnerships, exchange staff and students and collaborate on ground-breaking research. Without these activities, UK universities would not be what they are today – establishments of high-quality teaching and research with culturally diverse staff and student populations.

The benefits of a successful collaboration are many. Not only do linked institutions share knowledge and expertise, they also offer staff and students opportunities to study and work overseas, creating graduates who are ready to work in a global marketplace. To be successful, ventures must necessarily be selective, focused and grounded in academic excellence. In order to justify the investment made in them, international collaborations need to be sustainable for the long term, mutually beneficial and capable of generating complete trust and confidence between partners.

I'd like to take this opportunity to thank the authors of this report, Professor Steve Baskerville, Fiona MacLeod and Nicholas Saunders as well Jo Attwooll, Carolyn Campbell, Catherine Marston, Professor Robin Middlehurst and Professor Paul Webley who also contributed. Without their knowledge and expertise, this report would not have been published.

I hope that this Guide will help overseas partners increase their understanding of UK higher education and that UK institutions will use it in their international activities, giving both sides the information needed to establish successful, long term partnerships.



Dr Joanna Newman

Director
UK Higher Education International and Europe Unit

Executive summary

1. This Guide was commissioned by the UK Higher Education International and Europe Unit with the aim of helping overseas universities to establish successful partnerships and collaborative activities with UK universities. It aims to provide clear and accurate information to assist international partners seeking to work more closely and effectively with UK universities.
2. Its purpose is to provide an historical background and understanding of how the UK higher education system operates, followed by information on the types of collaborative opportunities available, and the key considerations overseas institutions need to understand before going into partnership.
3. Partnerships between academic institutions have tended to be the product of working relationships between individual academics; but more recently, as the potential benefits and risks from overseas collaborations have increased, universities and colleges have begun to manage their international partnerships portfolio more effectively.
4. Increasing competition is affecting the way UK universities think about their aspirations and how to maintain their international competitiveness. A strategic shift is underway – away from a focus on international student recruitment (at which the UK sector has been successful) and toward a longer-term and more partnership-based conceptualisation of internationalisation.
5. Governments around the world are increasingly encouraging their universities to embrace the international agenda and to internationalise their institution. They are doing this by supporting and facilitating their higher education sectors to engage at an institutional level with global partners through teaching and research collaboration.
6. The Guide draws on the expertise of several authors who have contributed each chapter. It is intended that the information in the Guide is the most up to date available, although readers are advised to seek confirmation and further advice, especially with regards to Chapter 3 (visa and immigration rules) and Chapter 6 (Legal issues).
7. The Guide is in six chapters, each designed to give a summary of what overseas universities need to know prior to embarking on partnership activities with the UK:
Chapter 1: Overview of the UK higher education system
Chapter 2: Quality assurance in teaching and research
Chapter 3: The internationalisation of UK higher education
Chapter 4: Teaching collaboration with UK universities
Chapter 5: Research collaboration with UK universities
Chapter 6: Legal issues

1

Overview of the UK higher education system**A long history****1.1**

Higher education in the United Kingdom (UK) has a long history. While exact dates are uncertain, teaching in the city of Oxford is documented from 1096, making the University of Oxford the oldest university in the English-speaking world. The University of Cambridge celebrated its 800th anniversary in 2009, commemorating the association of scholars who first gathered in the town in 1209. Three Scottish universities – St Andrews, Glasgow and Aberdeen – were founded by papal bull in the 15th century and a fourth, the University of Edinburgh, was established by royal charter in 1583.

1.2

A major expansion of higher education in the UK occurred in the 19th century with the awarding of royal charters to St. David's College, Lampeter (subsequently part of the University of Wales), Durham University, King's College London, and University College London. In addition, the later part of the century saw the foundation of medical, science and engineering colleges in England's major industrial cities, some of which eventually amalgamated to become the so-called 'redbrick' universities of Birmingham, Bristol, Leeds, Liverpool, Manchester and Sheffield. By the end of World War II, the UK had nine universities and a number of university colleges, many of whose students received external degrees from the University of London.

1.3

During the 1950s and 1960s, as a direct response to the demands of an expanding population and the needs of an increasingly technological economy, the UK government set out to expand the higher education sector. New colleges of advanced technology were established from 1956 onwards and were awarded university status in 1966; Aston, Bath, Bradford, Brunel, City, Loughborough, Salford and Surrey all became universities in this way, with the University of Wales Institute of Science and Technology going on to become a constituent part of what is now Cardiff University in 1988. A further 13 UK institutions including Hull and Leicester, both former university colleges, gained university status during these two decades and the seven new universities of East Anglia, Essex, Kent, Lancaster, Sussex, Warwick and York were also created.

1.4

Further expansion followed in 1992 when, by means of the Further and Higher Education Act¹, the UK government granted university status to 35 former polytechnics and to a number of other institutions, principally colleges of higher and further education. A small number of other higher education institutions have also been granted university status since this date. Collectively these universities are referred to as 'post-92' or 'modern' universities, though it should be noted that many of them have long and illustrious histories as vocational institutions.

1.5

This gradual expansion means that higher education in the UK is now provided by a diverse range of organisations, and these are known collectively as higher education institutions (HEIs). Many of these are now internationally known, with global reputations based on research excellence and high-quality teaching built up over many years and, in some cases, derived from their early foundation as specialist colleges.

1.6

Such diversity means there is wide choice for both prospective students and potential international collaborative partners; but it is vital that interested parties are matched to the right institution for their particular interests and needs. This publication aims to provide clear and accurate information to assist international partners seeking to work more closely and effectively with UK HEIs.

1 See <http://www.legislation.gov.uk/ukpga/1992/13/contents>

Key facts and figures

- 1.7** In the UK, degree-awarding powers are regulated by law and the national authorities only recognise institutions which have been granted degree-awarding powers by a royal charter or by Act of Parliament. These are known as ‘recognised bodies’ and include all UK universities as well as some higher education and specialist colleges. There are also more than 700 colleges and other institutions which do not have degree-awarding powers but which nevertheless provide courses leading to recognised degree qualifications. These are known as ‘listed bodies’ and are institutions which, for the time being, deliver courses awarded by ‘recognised bodies.’² Additionally, since 2008 in England, and 2010 in Wales, further education institutions have been able to apply to the Privy Council for powers to award their own ‘foundation degrees’.³
- 1.8** The UK’s higher education sector contributes at least £59 billion to the UK economy and generates some 2.3 per cent of UK GDP.⁴ The Institute for Public Policy Research recently calculated that, between institutional fee revenue and off-campus expenditure, international students bring almost £4.5 billion annually into the UK.⁵ Universities and colleges also play a central role in the nation’s cultural, social and business life.
- 1.9** UK HEIs vary considerably in size. Nearly a fifth of institutions has fewer than 3,500 students, while the largest has more than 40,000. A different type of HEI is the Open University, which provides distance learning to more than 209,000 predominantly part-time students, across the UK and around the world. In 2009/10, there were 2,493,415 students enrolled on degree programmes at UK HEIs, of whom 405,805 (or more than 16 per cent) were from overseas and 280,760 (11 per cent) had a ‘legal domicile’ outside the European Union (EU). More than 200 countries are represented in this student population, with China and India supplying the largest proportion, followed by Nigeria, the United States, Malaysia, and a number of EU countries. Indeed, the UK has some of the most ‘internationalised’ universities to be found in OECD member countries.
- 1.10** The UK remains the most popular destination for students after the United States, with 10 per cent of the international student market (see table 1). Added to these are some 200,800 students registered at a UK higher education institution studying overseas, whether at a branch campus, via programmes of ‘flexible, distributed and distance learning’ (FDL) or through some other form of collaborative provision.

² Follow links at <http://www.dcsf.gov.uk/recognisedukdegrees/> for a full list of the 157 institutions in the UK permitted to award degrees and for the current schedule of ‘listed bodies’.

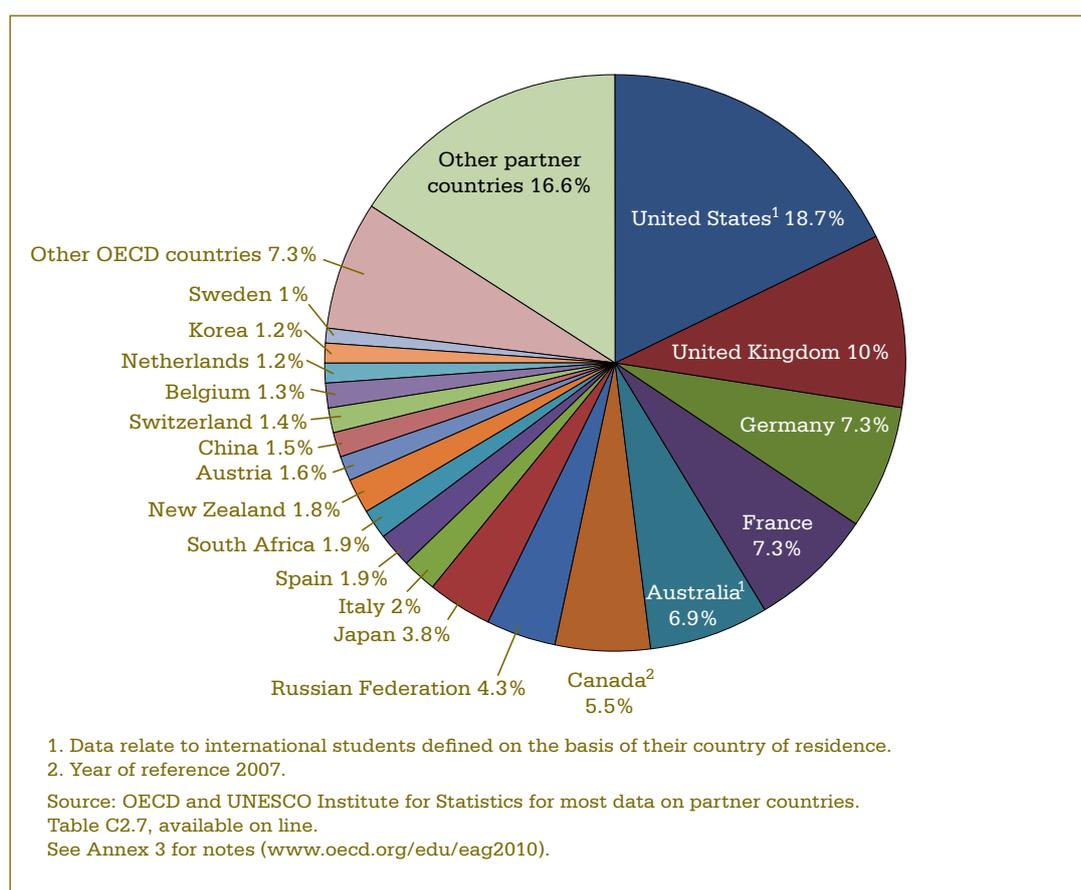
³ Foundation degrees are higher education qualifications that combine academic study with work-based learning. Designed jointly by universities, colleges and employers, they are available in a range of work-related subjects and generally require the equivalent of two years’ full-time study. Further information on foundation degree-awarding powers can be found at <http://www.qaa.ac.uk/reviews/dap/default.asp>

⁴ See <http://www.universitiesuk.ac.uk/Publications/Documents/EconomicImpact4Full.pdf> pp. 18-21. The figures cited are for 2007/8, which is the last year for which data are available.

⁵ Institute of Public Policy Research, Press Release, 22 February 2011. A breakdown of the figures showing economic impact by region can be found at: <http://www.ippr.org/pressreleases/?id=4355>

Table 1*Distribution of foreign students in tertiary education, by country of destination (2008)*

Percentage of foreign tertiary students reported to the OECD who are enrolled in each country of destination



In 2009/10 some 408,685 students were studying wholly or mainly overseas for the award of a UK HEI. Of the total, 68,450 (16.7 per cent) were studying at institutions within the EU, while 340,235 (83.3 per cent) were located outside the EU. Though roughly 1 in 5 was enrolled on a taught postgraduate programme, more than three-quarters were working towards a first degree qualification.⁶

Type of provision	Number of students
Branch campus	11,410
Distance learning	74,000
Collaborative arrangement	115,000
Partner organisation overseas	208,000

1.11

With respect to staff, in 2009-10 UK HEIs employed 117,930 full-time academic staff and 63,665 part-time. When other categories of staff are included, (i.e. administrative and other support personnel) the total figure is estimated to be more than 375,000.

⁶ More precise figures can be found in HESA, *Students in Higher Education Institutions, 2009/10* (February 2011), Tables 3 and 21. For a detailed breakdown of international student market shares, see UK HE International Unit, *International Higher Education in Facts and Figures* (August 2010), p. 11.

Academic staff (excluding atypical) at UK higher education institutions, 2008/09

	Full time	Part time	Total
Total academic staff	117,465	61,575	179,040
% female	38%	54%	43%
% wholly institutionally financed	72%	89%	78%
% financed by NHS/General Medical or General Dental Practice or Department of Health	2%	2%	2%
% research only	28%	11%	22%
% disabled*	3%	3%	3%
% of non-UK nationality	26%	16%	22%

* Based on those staff with known disability status. Disability status is self-declared.

Academic staff by salary range

Contract salary < £17,026	185	1,500	1,685
Contract salary ≥ £17,026 and < £22,765	1,115	1,380	2,495
Contract salary ≥ £22,765 and < £30,594	11,180	9,855	21,035
Contract salary ≥ £30,594 and < £41,118	33,485	24,800	58,285
Contract salary ≥ £41,118 and < £55,259	47,685	10,280	57,965
Contract salary ≥ £55,259	23,505	3,545	27,050

Academic staff by age

% aged 35 or under	29%	26%	28%
% aged over 35	15%	24%	18%

Academic staff are defined as those staff whose primary function is teaching and/or research and include only those of at least 25% full-time equivalence.

Full-time staff are those whose contracts state that their mode of employment is full time.

Age is at 31 August 2008.

Source: Higher Education Statistics Agency (HESA) (2010): Resources of Higher Education Institutions 2007/08

Among academic staff, 26 per cent are employed on teaching-only contracts and 22 percent as full-time researchers, but most (52 per cent) are required to engage in both activities. Most have doctorates and many possess professional qualifications. A clear majority of these academics (66 per cent) are employed on permanent or open-ended contracts, with the remainder being engaged for a fixed term, often in connection with an externally-funded project or initiative.⁷

⁷ HESA, 'Table B: Academic staff (excluding atypical) by source of basic salary, academic employment function, salary range, professorial role, terms of employment and gender 2009/10' can be found via the <Staff Data Tables> link at http://www.hesa.ac.uk/index.php?option=com_datatables&Itemid=121. See also HEFCE, *Guide to UK higher education* (2009), p. 5; which is available online at: http://www.hefce.ac.uk/pubs/hefce/2009/09_32

Governance, management and awards

1.12

The UK's HEIs are not owned or run by government. They are independent legal entities, with councils or governing bodies that have responsibility for determining the strategic direction of the institutions, monitoring their financial health and ensuring they are effectively managed. While all UK HEIs – with one exception⁸ – receive some public funding as a percentage of their total income, the government does not manage this money directly but works through a series of funding councils to provide both financial support and general guidance to institutions.⁹ For many purposes, higher education policy is now developed separately in each of the countries making up the UK, with the Scottish Government, Welsh Assembly Government and the Northern Ireland Executive each having specific and differing responsibilities for certain parts of higher education and student policies. These governmental bodies have no direct role either in determining the courses offered by HEIs or directing the research undertaken by individual academics. Academic and support staff are employed by individual institutions and not by the state. Their pay is negotiated nationally through a joint body representing both management and trade unions, with the resulting agreements taking the form of recommendations to participating universities and colleges.

1.13

This governance structure means that UK universities are autonomous and independent institutions with a well-deserved and jealously guarded reputation for intellectual and academic freedom. Indeed, their autonomy is considered a central factor in the UK higher education sector's record of international success in research, scholarship and education.

1.14

Each institution makes its own decisions about entry requirements, for example, setting the level of required qualifications to secure a place on a course, and is responsible for its own admissions procedures. The vast majority of applications to full-time undergraduate courses in the UK – whether by home, international or EU students – are made via a central coordinating agency, the Universities and Colleges Admissions Service (UCAS)¹⁰. In 2007, UCAS set up an online postgraduate application service, UKPASS¹¹, but applications for the majority of postgraduate courses are still made directly to the university or college concerned.

1.15

First degree courses, commonly known as bachelor's degrees and usually awarded 'with honours', typically take three years to complete in England, Wales and Northern Ireland, and four years in Scotland. Courses which include a period of practical work outside the institution normally take four years. Certain specialist courses and some vocational or professional degree courses may take longer. For example, medicine and dentistry can take up to six years (not including further specialist training) and architecture up to seven years.

1.16

At postgraduate level, a taught master's degree normally takes one year, a research master's two years and a doctoral degree a minimum of three years.

1.17

There are also a number of vocational 'sub-degree' qualifications offered in the UK, including the Higher National Diploma (HND), the Higher National Certificate (HNC) and the Diploma in Higher Education (Dip HE), which generally take one or two years

⁸ The University of Buckingham is the UK's only private HEI.

⁹ These are the Higher Education Funding Council for England (HEFCE), the Scottish Further and Higher Education Funding Council (SFC) and the Higher Education Funding Council for Wales (HEFCW). Only in Northern Ireland do universities receive funding directly from government via the Department for Employment and Learning (DELNI). Their websites can be found at: <http://www.hefce.ac.uk>; <http://www.hefcw.ac.uk>; <http://www.sfc.ac.uk> and <http://www.delni.gov.uk>

¹⁰ See <http://www.ucas.ac.uk>

¹¹ For further information, see <http://www.ukpass.ac.uk>

to complete. HNCs and HNDs are provided by more than 400 higher education and further education colleges as well as by universities.

1.18

Other qualifications include postgraduate certificates, such as the Postgraduate Certificate in Education (PGCE). In addition, students in England, Wales and Northern Ireland can take two-year vocational foundation degrees and then take a 'top-up' course to honours degree level on successful completion.

1.19

Changes to the UK's long-established degree classification system are under consideration. This currently awards students First-class Honours (1st), Second-class Honours, upper division (2:1), Second-class Honours, lower division (2:2), Third-class Honours (3rd), an Ordinary-degree (Pass) or a Fail, rather than the Grade Point Average (GPA) used in the USA and some other countries. The new Higher Education Achievement Report (HEAR), to be given to a student on graduation, is intended to provide more detailed information about a student's learning and achievement than the current system. At present, this approach is being trialled by 30 HEIs across the UK and is scheduled to include more HEIs later in 2011. The HEAR incorporates and extends the existing Record of Academic Achievement (the 'academic transcript') as well as the European Diploma Supplement¹².

1.20

This is one of the key developments to emerge so far from the active engagement of UK HEIs in the ongoing work of the Bologna Process, an initiative involving some 46 countries to create a European Higher Education Area in which several aspects of higher education are being reformed and developed in order to facilitate the comparability of systems and qualifications, and to enable the mobility of EU citizens across national borders.¹³

The student experience**1.21**

In England and Wales many young, full-time students in higher education attend institutions located some considerable distance from their family homes. For this reason, many UK HEIs provide shared 'halls of residence' for their students, particularly in their first year, while others have worked with large private-sector providers to build new accommodation either on or adjacent to their campuses. Competition generally keeps the costs low and the quality high. This practice of living on or near to the campus means that the lifestyle of those studying at these universities may be very different from that experienced in countries where a majority of students live at home.

1.22

However, the number of UK students who are studying at HEIs near their home has been increasing in recent years. The traditional view of a UK student as someone aged 18-21 undertaking a full-time undergraduate degree and living away from home is no longer the reality for most UK students. There are now over 795,000 UK students studying part-time; the majority of all students are over 21 and many are combining study with existing work and other commitments in their local communities. Almost a third of full-time students travels no more than 12 miles to their place of study and may be regarded as local. More than two-thirds travel less than 62 miles to their place of study. Students are now more often than not more embedded in their communities than in their universities and, given the increasing focus on flexible, distance learning, this trend is probably set to continue.

¹² See http://ec.europa.eu/education/lifelong-learning-policy/doc1239_en.htm

¹³ See http://www.europeunit.ac.uk/bologna_process

1.23

UK HEIs also have a statutory obligation to support their students in establishing some form of 'students' union' – sometimes known as a students' association or (in Scotland) a students' representative council. These organisations aim to work on behalf of all students in discussion with institutional managers and seek to provide a wide range of appropriate social, sporting and community-based activities for students.

Funding
1.24

The UK's universities and colleges received a total of £26.8 billion in funding in 2008/9, more than a third of which came from the Government's Department for Business, Innovation and Skills (BIS) and was distributed in the form of grants by the four UK funding bodies already referred to. The funding councils allocate most of their funds for teaching and research using set formulae. The allocation of resources for learning and teaching depends largely on the number of students at an institution and on the mix of subjects it teaches, while almost all financial support for research is related to the quality and volume of that research. Taken together, the money channelled through the funding councils currently represents the largest single source of income to HEIs, though across the sector, universities will vary in the percentage of their overall funding that they receive from public sources.¹⁴

1.25

However, the UK government has recently announced its intention of changing the present funding mechanism in England from 2012/13 onwards so as to increase tuition income routed through students while reducing the amount paid in grants to institutions through the funding councils. As the Secretary of State for Business, Innovation and Skills made clear in his grant letters to the Higher Education Funding Council for England, student choice is set to become a key driver of quality as well as of funding, and HEIs will "need to become more responsive to the changing demands of students and employers for high level skills and employability, to ensure they remain competitive as providers in the new funding environment".¹⁵ A White Paper setting out the Government's overall thinking and future plans for publicly funded higher education in England is due to be published in the first half of 2011.¹⁶ The extent to which this will influence the development of policy elsewhere in the UK remains to be seen.

1.26

Government funding for research is administered under what is known as the 'dual support' system. One strand of this comes in the form of an annual 'block grant' from the funding councils as indicated above. This supports the UK's research infrastructure and enables individual universities to carry out research as they determine, in keeping with their own missions and priorities. The other strand provides grants for specific research projects, contracts and postgraduate programmes and is delivered via the seven research councils – public bodies charged with investing public money in UK science and research – with additional funding available from charities, industry, the EU and other UK government departments.¹⁷

1.27

Since 1986, the funding councils' allocation of funding to institutions for research infrastructure has been informed by a periodic peer review of the quality of research in higher education known as the Research Assessment Exercise (RAE). There is a strong tradition of research in all subjects across the diverse range of UK HEIs,

¹⁴ HEFCE, *Guide to UK higher education* (2009), p. 7; see also the chart on p. 8 indicating the other sources of finance for UK HEIs. Updated figures for 2009/10 can be found in HESA Press Release 157 at:

http://www.hesa.ac.uk/index.php?option=com_content&task=view&id=1985&Itemid=161

¹⁵ See <http://www.bis.gov.uk/assets/biscore/higher-education/docs/h/10-1359-hefce-grant-letter-20-dec-2010.pdf>

¹⁶ The Secretary of State's grant letter to HEFCE is at: <http://www.hefce.ac.uk/news/hefce/2010/grant1112/> The Funding Council's circular 'Funding for universities and colleges for 2010/11 and 2011/12' (05/2011) can be downloaded from <http://www.hefce.ac.uk/pubs/circlets/2011/>

¹⁷ For further information about the Research Councils, see <http://www.rcuk.ac.uk> and Chapter 5 below.

and the most recent RAE in 2008 gave the highest ratings of 4* ('world-leading') and 3* ('internationally excellent') to 54 per cent of the research submitted by 159 participating universities and colleges. From 2014, however, this regime is set to be replaced by a new Research Excellence Framework (REF).¹⁸

1.28 While UK HEIs do receive significant public funding, they also receive substantial private income from the provision of residence and catering facilities; the delivery of services to business, such as contract research, consultancy and training; the fees charged to international students; endowments; and a variety of charitable sources.

1.29 Furthermore, since September 1998, English HEIs have received additional revenue in the form of annual tuition fees paid by UK students as a contribution towards the cost of their education. However, various financial support mechanisms, including loans and means-tested maintenance grants, are available to students to help them pay these fees and to meet their living expenses while they are studying. Tuition fee contributions are also paid by students studying at HEIs in Wales and Northern Ireland, but Scottish and EU students studying at HEIs in Scotland do not currently pay such contributions. In short, tuition fee and student finance arrangements differ across the various parts of the UK, and are likely to be revised substantially over the next few years.¹⁹

1.30 UK HEIs are not funded for their international activities and cannot use their public funding to help meet the costs of recruiting and teaching overseas students. Likewise, any work undertaken in collaboration with international partners needs to recover its costs or else be paid for from non-public sources of revenue.

1.31 Lastly, it is worth noting that, compared to the larger American universities, and with the exception of the Universities of Oxford and Cambridge, most UK HEIs have so far managed to attract only small endowments from charitable foundations and business corporations; and none is directly funded by a religious organisation though some do have other religious affiliations. The US tax system is much more favourable towards philanthropic giving compared to the UK, but in the years ahead it may become a major source of non-governmental income for many UK institutions.

A reputation for excellence

The benefits of autonomy

1.32 The breadth and variety of their funding sources is a key factor in the autonomy of UK HEIs. The block grant approach, and the flexible nature of quality-related research funding, gives institutions the freedom to choose how their resources should be spent. It enables them to invest in innovative research, develop new areas of expertise and support exploratory work in high-risk, but potentially high-reward, projects. It enables them to develop partnerships with the private, public and voluntary sectors, among themselves and with international collaborators, and to achieve greater social impact by bringing the results of their research to market. This funding model also equips UK HEIs to respond flexibly to changing needs, while at the same time protecting and growing important research areas. It has led to world-class research outputs and a world-class UK research base, second only to

¹⁸ For more about the RAE and REF, see <http://www.rae.ac.uk> and <http://www.hefce.ac.uk/research/ref> See also Chapter 2 under 'Evaluating the quality and impact of research'.

¹⁹ *Guide to UK higher education*, pp. 10-11.

the United States. It has also created a climate in which postgraduate students have opportunities for training and development, and where academic staff can engage with national and international research communities at the highest level.²⁰

The integration of teaching and research

1.33

The integration of teaching and research within UK HEIs is a core strength of the sector. While political debate and domestic economic drivers regularly raise questions about the nature and value of their inter-relationship, delivering teaching and research together in an institutional context remains central to the idea of a higher education institution in the UK. In fact, government reviews of the UK sector have repeatedly recognised that higher education “embraces teaching, learning, scholarship and research”. As Lord Dearing asserted in his 1997 report: “These activities are, and should be, at the heart of higher education.”²¹ In line with this view, the encouragement of independent, student-centred learning is seen as a key component of the student learning experience in the UK, to which the interaction of teaching and research makes a direct contribution. Indeed, the skills of inquiry and evaluation – central to the undertaking of research and scholarship – are considered essential if UK graduates are to contribute to, and compete in, the global knowledge economy.

International league tables

1.34

For the reasons outlined above, UK HEIs have long been regarded as being among the best in the world, and several feature prominently in the international league tables which attempt to quantify their performance and produce a global hierarchy of excellence. Widely acknowledged international rankings are produced annually by the UK’s weekly magazine for higher education, *Times Higher Education (THE)*²² and by the Shanghai Jiaotong University²³, while domestic league tables are published each year by national newspapers such as *The Guardian* and *The Times*. In 2009, Cambridge University, Imperial College London, Oxford University and University College London, were placed among the world’s top 10 HEIs in the *THE-QS World University Rankings*²⁴. In the same year, the Jiaotong Academic Ranking of World Universities²⁵ placed Cambridge University 4th and Oxford University 10th in the world, with a further nine UK institutions being placed in the top 100.

1.35

Legal tables are increasingly referenced beyond the academic community, not least by those determining national policy. Important as they undoubtedly are, they are not, however, an ideal basis on which to choose international partners. Subject rankings and those that concentrate on different areas of specialist expertise may bring the benefits of a potential collaboration into sharper focus, but will not guarantee a perfect ‘fit’ between even the most outstanding of institutions. Moreover, there are many HEIs around the world with missions which, though excellent in their own context, are never going to qualify them for membership in the world’s ‘premier league’ of research universities. In the end, there can be no substitute for an HEI undertaking its own ‘due diligence’ (see Chapter 6) and its leaders backing their own judgment when considering and selecting international partners.

²⁰ See Chapter 5 for more information on the funding of research collaboration between overseas and UK universities.

²¹ The National Committee of Inquiry into Higher Education, *Higher education in the learning society (1997)*. Report of the National Committee, section 5.2. See http://www.heacademy.ac.uk/assets/york/documents/resources/heca/heca_ks23.pdf

²² See <http://www.timeshighereducation.co.uk>

²³ See <http://www.arwu.org>

²⁴ See <http://www.topuniversities.com/university-rankings/world-university-rankings>

²⁵ See <http://www.arwu.org>

2

Quality assurance in teaching and research

2.1

The UK higher education sector is large and diverse. Its constituent institutions differ in size, subject focus, research interests, infrastructure and priorities. This heterogeneity is a key strength of the system, as it enables the sector to meet the varying needs of different types of student and to cover a wide range of institutional missions.

2.2

There is no national curriculum for UK HEIs; more than 10,000 different courses are on offer. Within this context, quality assurance is a responsibility the higher education sector takes very seriously. A national system based on the principle of peer review ensures that both the quality and standards of awards are broadly comparable (not equal or identical) across the sector. This national system, described in detail below, defines the academic standards required – that is, the level of achievement a student has to reach to gain a qualification – as well as the academic quality required – that is, how well the learning opportunities made available by the university help students to achieve their award.

2.3

As HEIs in the UK are autonomous institutions, each is primarily responsible for maintaining the quality of the education it provides, and the standards of the qualifications it offers. While they are not owned or managed by the state, almost all institutions receive government funding, distributed by the different funding councils for England, Wales and Scotland, and the Department for Employment and Learning in Northern Ireland. These funding bodies have a statutory obligation to ensure that the higher education they fund is of good quality. They meet this obligation through an independent body, the Quality Assurance Agency for Higher Education (QAA),²⁶ which reviews and reports on how well UK universities and colleges maintain their academic quality and standards, and supports these institutions through enhancement activities. Should the QAA have limited or no confidence in a university's management of standards and/or quality, this finding would be reported to the funding bodies and published. Each funding body has its own policy on unsatisfactory quality which could lead, ultimately, to the removal of funding.

2.4

As major funders of higher education, the UK's government, like state authorities everywhere, take a keen interest in the continuing quality and standards of its HEIs. In recent years, this has led to public and political debate as well as extensive media coverage. Universities and colleges have participated fully in this debate, taking steps to demonstrate the rigour of the UK's quality assurance model. The sector has also publicised how it responds to legitimate concerns.

Assuring the quality and standards of taught programmes

2.5

The current UK system for assuring quality and standards is long-established – indeed, it has influenced parallel developments worldwide – and is based on six key features:

- Independent external review of universities by the QAA, leading to published reports;
- A set of tools known collectively as the 'Academic Infrastructure';
- HEIs' own internal systems for maintaining quality and standards, including the use of external examiners at both undergraduate and postgraduate levels;
- Engagement with more than 50 professional, statutory and regulatory bodies (PSRBs), as well as with students and employers, to share information and experience, with

²⁶ See <http://www.qaa.ac.uk> Much of the information contained in this chapter comes from *An introduction to QAA* (2009) and *Quality and Standards in UK universities: A guide to how the system works* (2008).

a view to rationalising regulation and also for overseas audits and trans-national education (TNE), especially in trying to resolve problems in respect of the recognition of UK degrees;

- Mechanisms to support improvements in quality, such as sharing good practice and developing enhanced professionalism in teaching;
- Measures to address student complaints.

Independent external review

2.6

All universities and higher education colleges in the UK subscribe to the QAA. Its reviews and audits take a slightly different form in different parts of the UK but include: making regular visits to HEIs and further education colleges offering higher education; publishing reports on the confidence that can be placed in each institution's ability to maintain standards and quality; following up any areas which need attention to ensure that HEIs take satisfactory steps to address any shortcomings; and providing information to the UK funding bodies.

2.7

The QAA also carries out audits of collaborative arrangements between UK HEIs and overseas organisations that lead to the award of degrees by the UK institutions.

Academic Infrastructure

2.8

The QAA has worked with the sector to develop a set of nationally agreed reference points, known as the Academic Infrastructure, which institutions use to guide their policies for maintaining academic standards and quality. These give all institutions a shared starting point for setting, describing and assuring the quality and standards of their higher education programmes. The Academic Infrastructure has four elements and all are inter-related. The Code of Practice²⁷ is concerned with the management of quality and the other three – frameworks for higher education qualifications, subject benchmark statements and programme specifications – give advice to institutions about setting standards.²⁸

2.9

During 2009/10, the QAA carried out an evaluation of how well the Academic Infrastructure was working. The report that resulted from this process proposed that the four separate elements should be restructured as a single Code of Practice for Standards, Quality and Enhancement. It is proposed that the new code will be in two parts: Part A on standards and Part B on quality and enhancement. New chapters will cover learning and teaching, student support and student representation. There will also be the option to add a Part C on information at a later stage. It is intended that the new code should continue to be relevant to all four countries that make up the UK, and should also recognise the growing number of transnational arrangements made by HEIs with degree-awarding powers. A sector-wide consultation has recently been concluded and a report summarising the responses received will be published in summer 2011. The QAA then expects to begin a programme of development and implementation.²⁹

Internal systems

2.10

UK HEIs continually assess their courses and systems to ensure that students are properly supported, and that the courses stay up to date. They do this in a variety

²⁷ QAA, *Code of Practice for the Assurance of Academic Quality and Standards in Higher Education. Section 2: Collaborative Provision and Flexible and Distributed Learning* (Amplified Version of the 2nd Edition, 2010, p.16). [Hereafter referred to as *The Code of Practice*.]

²⁸ For more information about these elements, see: <http://www.qaa.ac.uk/academicinfrastructure>

²⁹ See QAA, *Evaluation of the Academic Infrastructure: final report* (Aug 2010), which is available online at: <http://www.qaa.ac.uk/academicinfrastructure/evaluation10findings/FinalReport.pdf> Also: 'Consultation on the Academic Infrastructure' and links to associated documentation, which can presently be found at <http://www.qaa.ac.uk/news/consultation/AI/>

of ways. For example, by making sure that new courses meet the right standards and will be supported by high quality teaching; programme approval panels, usually involving external experts, assess whether proposed new courses are in line with the frameworks and subject benchmark statements. Institutions also review and monitor existing courses on a regular basis, using feedback from students, employers and recent graduates, where appropriate. Steps are also taken to regulate how student work is assessed so as to make sure standards are maintained. Particular importance is attached to the use of external examiners – experts drawn from other HEIs or relevant professional practice – to advise on standards and benchmark student performance by means of full participation in both the examinations process and the assessment of coursework.

2.11

Students are also increasingly involved in all the mechanisms by which UK HEIs manage quality and standards, from internal and external review to membership of the QAA Board. Review teams in Wales and Scotland already include students, while the equivalent audit teams in England and Northern Ireland will have student members before the end of 2011.

2.12

In recent years, HEIs in England, Wales and Northern Ireland have been required to provide basic information about every course they offer on a national website.³⁰ This includes a profile of each institution; an analysis of the student body; the qualifications and UCAS points needed for admission to any particular programme of study; the employment prospects for graduates; and a detailed breakdown of what students did or did not like about their courses and institutions. The student satisfaction data are collected annually through a process known as the National Student Survey (NSS) and are much more objective and comprehensive than the remarks posted on ‘whistle-blowing’ sites or found in internet blogs.³¹

Engagement with PSRBs

2.13

Employers in the UK are often involved in designing and reviewing higher education courses, and UK HEIs work with a large number of PSRBs to ensure that their graduates are properly prepared for employment. These include organisations such as the Health Professions Council, the Architects Registration Board, the Nursing and Midwifery Council, the Solicitors Regulation Authority and the Engineering Council. For those professions regulated by law, only those graduating from courses accredited by the relevant body – the General Medical Council, in the case of medicine – are given a ‘licence to practise’.

Supporting improvements in quality

2.14

UK HEIs are committed to learning from their own experience, and that of other institutions, as an essential prerequisite to improving their offer to students. They do this by listening to those who take their courses; by responding positively to feedback from the NSS; and by availing themselves of the support provided by national bodies such as the Higher Education Academy³², the Leadership Foundation for Higher Education³³ and the QAA itself. All three are independent bodies which support universities and colleges in their aim to enhance quality in higher education through providing professional development for teachers, managers and administrators.

³⁰ The information can be accessed at: <http://unistats.direct.gov.uk>

³¹ Final-year undergraduates at all publicly funded HEIs in England, Wales and Northern Ireland, and at participating HEIs in Scotland are invited to take part in the NSS. In England, further education colleges with directly funded higher education students are also eligible to participate. The 2010 survey made public the views of some 252,000 students.

See <http://www.thestudentsurvey.com> for information about the 2010 survey.

³² See <http://www.heacademy.ac.uk>

³³ See <http://www.lfhe.ac.uk>

Addressing complaints

2.15

Student satisfaction is consistently high in UK higher education, with the latest [2010] results of the NSS showing an 82 per cent overall satisfaction rate among undergraduates at participating universities and colleges. This said, there are robust systems in place at all HEIs to respond to complaints. Almost all legitimate grievances are addressed within the institution concerned; but where the internal procedures are exhausted without a satisfactory outcome being achieved, students have free access to the Office of the Independent Adjudicator in England and Wales, the Scottish Public Services Ombudsman in Scotland and the Visitorial System in Northern Ireland.³⁴ Moreover, if there is sufficient documentary evidence to warrant further enquiry, the QAA will investigate any significant causes for concern identified to it by higher education sector bodies, internal 'whistleblowers' or indeed by any member of the public.

Evaluating the quality and impact of research

2.16

British research is of world-class quality and UK universities have produced 39 Nobel Prize winners in the last 50 years; there have been 68 UK-born Nobel laureates in the categories of chemistry, physics and medicine since 1901, more than from any country except the United States.³⁵ Recent data show that the UK produces 7.9 per cent of the world's academic papers and 14.4 per cent of the 1 per cent most highly cited.³⁶ Its research productivity is among the highest in the world: in the UK, academics produce 32 papers for every billion US\$ of gross domestic product (GDP).³⁷

Research Assessment Exercise (RAE)

2.17

For more than 20 years, the quality of research carried out in the UK higher education sector has been assessed through a formalised process, based on expert peer review, known as the Research Assessment Exercise (RAE).³⁸ Undertaken jointly by the four UK higher education funding bodies, six RAEs took place between 1986 and 2008.

2.18

The RAE was a discipline-based process in which judgments on the quality of research were made by researchers and experts active in that discipline. Its main aim was to produce quality profiles for each submission of research activity made by UK HEIs. In the last RAE, conducted in 2008, each academic discipline was assigned to one of 67 units of assessment (UOAs). The submitted work was assessed by separate subpanels for each UOA, comprising more than 1,000 members drawn from HEIs and the international research community, working under the guidance of 15 main panels. All work submitted to a UOA was classified into four levels of quality, defined in terms of originality, significance and rigour as 'world-leading' (4*); 'internationally excellent' (3*); 'internationally recognised' (2*); or 'nationally recognised' (1*). An 'unclassified' category recorded work which fell below this standard. A quality profile was then drawn up for every institutional submission to show the proportion of research activity found at each level.

34 For the OIA, see <http://www.oiahe.org.uk> For the SPSO, see <http://www.spsso.org.uk> and for the Visitorial System, see <http://www.qaa.ac.uk/education/roundtable/COPsection5/CarsonMcDowell.asp>

35 For a full list of UK Nobel Laureates, see <http://nobelprize.org>

36 Evidence Ltd. for the Department of Business, Innovation and Skills, *International comparative performance of the UK research base* (September 2009). This report, the sixth undertaken by Evidence, is available online at: http://www.dius.gov.uk/assets/biscore/corporate/migratedd/publications/i/icpruk09v1_4.pdf

37 Evidence Ltd. for the Department of Business, Innovation and Skills, *International comparative performance of the UK research base* (September 2009), p. 4. This report, the sixth undertaken by Evidence, is available online at: http://www.dius.gov.uk/assets/biscore/corporate/migratedd/publications/i/icpruk09v1_4.pdf

38 See <http://www.rae.ac.uk>

2.19

For the 2008 RAE, 2,344 submissions were made by 159 higher education institutions. The world-class standing of UK research was demonstrated by the results, which showed that:

- 54 per cent of the research submitted was either 'world-leading' (17 per cent at 4*) or 'internationally excellent' (37 per cent at 3*);
- 87 per cent of the research submitted was of international quality (taking the top three grades together);
- 150 of the 159 UK institutions who made submissions had some work of world-leading quality;
- 49 institutions had research of the highest quality in all their submissions.

2.20

Research activity submitted included strategic, basic, applied and inter-disciplinary research across the whole of the UK. The results were consistent with other benchmarking data which indicate that the UK maintains second place to the US globally in major subject areas.

2.21

As discussed in the previous chapter, the funding of research in the UK is selectively allocated on the basis of performance, and the results of the 2008 RAE are now being used to allocate more than £1.5 billion annually for research infrastructure in the UK's universities and colleges.

The Research Excellence Framework (REF)

2.22

Commencing in 2014, the RAE is due to be replaced by a new system: the Research Excellence Framework (REF). The REF will consist of a single framework for the funding and assessment of research across all subjects. The quality of research outputs will continue to be the primary factor used in the assessment, as with the RAE, with judgments being made by expert panels against international standards of excellence. It is likely, however, that greater use will be made of quantitative indicators, including so-called 'bibliometric' data, though steps will be taken to ensure that key differences between disciplines (such as publication in book form rather than articles and conference papers) are properly recognised. More controversially, the 'impact' of research on the wider society will also be included among the assessment criteria. An overall excellence profile will show the proportion of submitted work at each point on a five-point scale (1* to 4* plus unclassified).

2.23

While a precise timetable for conducting the first REF exercise has yet to be determined and operational guidance about calibrating the impact measure has yet to be published, the important thing to know is that the new system will continue to provide an objective external appraisal of the quality of research work undertaken at UK HEIs.

3

The internationalisation of UK higher education**What it is and why we do it****3.1**

While almost all UK HEIs have considerable experience in the field of international recruitment and can point to successful alumni in positions of responsibility and influence around the globe, for many their engagement with a broader international agenda has been more limited and/or more recent. However, during the past decade in particular, a growing number of institutions have begun to develop a comprehensive strategy for internationalisation as a key component in their missions. So what is 'internationalisation', what are UK HEIs doing in order to achieve it, and why do they consider it worth committing the time, effort and resources involved?

3.2

The process has both a domestic and a foreign dimension – 'internationalisation at home' and 'internationalisation abroad', as some have termed it. Responding directly to the complex range of phenomena known as 'globalisation' and seeking to prepare UK students for success in the globally integrated economic environment, many HEIs are moving decisively to internationalise their curricula, promote cross-cultural understanding and provide opportunities for the development of foreign-language skills. While international recruitment clearly represents a valuable source of income and enhances the culture of UK universities, it also makes it possible for UK students to live and work with other young people from a diverse array of countries and cultures.

3.3

It is the development of their physical presence and engagements overseas, however, that a number of UK HEIs have identified as the touchstone of their commitment to internationalisation. The membership of international networks, the instigation of strategic partnerships and the mobilisation of research teams tasked with the resolution of previously intractable problems, especially in the developing world, are just some of hallmarks of this renewed spirit of international cooperation. To be successful, such ventures must necessarily be selective, focused and grounded in academic excellence. In order to justify the investment made in them, international collaborations need to be sustainable for the long term, mutually beneficial and capable of generating complete confidence and trust between the partners.

3.4

Although the fostering of joint research agendas and the development of commercial relationships overseas will have their part to play for some institutions, the largest component in all such international collaborations is likely to be some element of TNE, the various types of which will be considered in detail in the next chapter. However, this immediately requires prospective partners to recognise that there are a number of risks that must be identified, evaluated and managed if the outcome is to be acceptable to all concerned.

3.5

Broadly speaking, these can be divided into two groups: (a) the difficulties likely to confront students and staff seeking to visit the UK as part of a collaborative programme; and (b) the difficulties faced by UK HEIs and their representatives endeavouring to do business in a foreign legal, political and economic environment. The first group will be explored in the remainder of this chapter; the second group will be addressed in the chapter which follows.

Current issues and challenges³⁹

- 3.6** Just like students recruited directly by an institution, students wishing to come to the UK under the terms of a collaborative agreement will need to satisfy the requirements of UK immigration law. So too will international staff seeking to take up employment, visiting professors, researchers and staff on exchange programmes or work placements.
- 3.7** The UK introduced a points-based immigration system in 2008 for all people wishing to work or study in the UK. The points-based system only applies to those from outside the European Economic Area (EEA) and Switzerland. If an HEI wants to employ or teach an EEA or Swiss national, it will normally be able to do so without seeking permission – though there are some restrictions on nationals of Bulgaria and Romania following their recent accession to the European Union.
- 3.8** The system currently has five tiers, with each tier having a different points requirement; the number of points needed, and the way the points are awarded, depends on the tier. Points are awarded to reflect a migrant's ability, experience and age, and the level of need in the migrant's chosen industry where this is an appropriate consideration. Tier 1 is for highly skilled workers, such as scientists; Tier 2 is for skilled workers with a job offer, including academics; Tier 4 is for students; and Tier 5 is for 'temporary workers'. Tier 3, for low-skilled workers coming in to fill specific temporary labour shortages, is currently suspended. It should be noted that further changes to the points-based system are being implemented beginning with the closure of Tier 1 General in April 2011. This will be replaced with a specific route for people of 'exceptional talent' in the sciences, arts and humanities, the final details of which are still awaited.
- 3.9** Separate visitor-visa arrangements are in place for academic visitors and student visitors, but these visa categories are restricted both in time and entitlements and so are only appropriate for a limited range of international visitors. People wishing to come to the UK as business or tourist visitors are also covered by visitor-visa arrangements but specific advice on immigration requirements should be sought from the UK visa authorities in advance of travel.
- 3.10** Sponsorship is at the heart of the points-based system: if an HEI wants to employ anyone classed as a 'migrant' under Tier 2 or admit an international student under Tier 4, it is required to act as their sponsor during their stay in the UK.
- 3.11** Prospective migrants must pass an assessment which requires them to secure a certain number of 'points' based on their qualifications, earnings and financial background before they can obtain permission to enter or remain in the UK. Students need to demonstrate that they have a confirmed place at an education institution, have appropriate English language skills and the necessary funds to support themselves during their studies.

³⁹ This section relies heavily on information provided by the UK Border Agency (UKBA) on its website at: <http://www.ukba.homeoffice.gov.uk/> Specific pages and/or documents have only been referenced where they are difficult to locate or have been quoted directly in the text. However, it should be noted that this website changes frequently and that specific links may become inoperative. Readers should always check the advice currently available on the site and not rely on printed-out pages. It is also important to remember that the website does not claim to state the law definitively; consequently, if confusion or uncertainty arises, readers should seek specialist legal advice. Further information can also be found on the Universities UK website here: <http://www.universitiesuk.ac.uk/PolicyAndResearch/PolicyAreas/Pages/International-and-European.aspx>

3.12 Education institutions that wish to employ or host international staff under Tier 2, or admit international students under Tier 4, must have a relevant sponsor licence from the UK Border Agency (UKBA). Lists of employers and education institutions currently holding sponsor licences are available on the UKBA website.⁴⁰

UK visa and immigration rules for overseas students and staff

3.13 At first sight, the rules applicable to young people entering the UK for purposes of study may appear complicated and bureaucratic; but, at least in the context of collaborations between UK HEIs and their partner institutions overseas, they are in fact quite straightforward. The important thing is to be clear about the category of study involved and how the students intend to support themselves during their time in the UK. Most collaborative agreements that include (or indeed focus upon) the movement of students to the UK for the completion of their studies will see those students registered on a full-time programme of study offered by the UK partner institution, either at the undergraduate or postgraduate level. In the vast majority of cases, the successful completion of this programme will result in the awarding of a UK qualification, usually a degree.

3.14 Historically, the UK has not had a system of licensing or registering its HEIs, which is clearly different to its treatment of schools and further education colleges. The protection of consumers from the activities of disreputable colleges has instead rested on the possibility of prosecution of such organisations under the Education Reform Act 1988, for representing themselves, contrary to the provisions of that act, as entitled to award UK degrees.

3.15 As explained in Chapter 1, the UK Government publishes information on 'recognised bodies' that do have such powers, and on 'listed bodies' which have the ability to prepare students to take assessments that lead to the degrees of such recognised bodies. More recently, the new immigration system has led to the establishment of the sponsorship regime and the requirement for sponsor licences outlined above.

3.16 UKBA's key aim is to reduce the number of non-EEA nationals entering the UK as 'students' *who have in fact no intention of studying*. To minimise such abuses, sponsoring education institutions are required to try to ensure that potential students are qualified for study before issuing them with a Confirmation of Acceptance for Studies (CAS). The CAS, which is an electronic reference number, is required as part of the visa application process.

Tier 4 rules

3.17 Under the rules for Tier 4, the sponsor of students enrolled on such a programme must be an education provider based in the UK. Such providers must have been inspected, audited or reviewed by an appropriate body if they are subject to public review, or hold valid accreditation from an appropriate body if they are not. Since all UK HEIs (including the private University of Buckingham) are indeed subject to public review and audit by the QAA, and will in any case hold a sponsorship licence for the purposes of direct overseas recruitment, there can be no problem in principle with the UK institution sponsoring for immigration purposes all the students who enrol with them in fulfilment of a collaborative agreement.

⁴⁰ See <http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/registerofsponsors>

3.18

Under the new rules for issuing student visas recently announced by the Home Secretary, from April 2012 any institution wishing to sponsor students will need to be classed as a Highly Trusted Sponsor (HTS), and will need to become accredited by a statutory education inspection body by the end of that year. While this might create problems for a number of private colleges in the further education sector, it presents no difficulties whatsoever to UK HEIs, all of which are accredited by the QAA and already enjoy HTS status. Consequently, the regime for monitoring attendance is a relatively relaxed one that focuses on the periodic 're-registration' of international students. However, HEIs are still required to report to UKBA any student who fails to enrol or who formally withdraws from their course.⁴¹

Accreditation**3.19**

An overseas higher education provider does not need UK accreditation to teach its own students in the UK as 'student visitors' (see below), as long as the courses offered here are short-term 'study abroad' programmes (see Chapter 4) delivered directly by the institution in its own premises. The only requirements are that such students should: (a) be enrolled in their home country; (b) come to the UK for no more than half of the total length of their degree course; and (c) return home to finish their degree course, which must be equivalent to a UK degree. However, overseas providers will need to obtain a licence if any of their courses delivered in the UK lasts longer than six months or involves a work placement; they must also do this if they wish their students to undertake part-time work while they are here. In such cases, applicants will need to provide evidence that they are accredited in their home country as a provider of degree courses equivalent to degree-level programmes in the UK, and that this accreditation can be confirmed by the National Recognition Information Centre for the United Kingdom. Any overseas HEI seeking to teach complete programmes of study in the UK would need to acquire UK accreditation before applying for its own Tier 4 licence.

3.20

However, the immigration complexities associated with running their own free-standing operation might be one reason for an overseas institution to work in collaboration with a UK partner that already holds a Tier 4 licence and has experience of complying with the requirements of the UK immigration system. Migrant students can come to the UK for 'study abroad' programmes of less than six months duration using the 'student visitor' route rather than applying through the points-based scheme; but these student visitors do not have to attend a UK campus of their own institution. They can, in principle, attend any UK HEI holding a Tier 4 sponsor licence provided they will not be undertaking a work placement as part of their UK studies, do not wish to extend their stay beyond six months and will not do part-time work while they are here.⁴² Consequently, there may be considerable advantages to be gained by an overseas institution providing short-term study abroad programmes through a UK partner rather than attempting to 'go it alone'. Not only will the obstacles be easier to overcome; the experience of being a student at a UK HEI should also provide a more fulfilling international experience.

⁴¹ For further information about this category, including the more flexible reporting of non-attendance, see UKBA, *Tier 4 of the Points Based System – Highly Trusted Sponsor Guidance* (Version 07/10), available at:

<http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/highly-trusted/>

⁴² This information comes from a page on the UKBA website about sponsoring 'student migrants' and can be found at: <http://ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/eligibility/tierstudents>

Right to work

3.21

One final dimension that requires further consideration is the financial resources that an overseas student can call upon while studying in the UK. Those entering the UK to study will normally have a stamp in their passports stating that they cannot work 'without the consent of the Secretary of State for the Home Department'. However, those studying at UK HEIs under the terms of a Tier 4 licence and who are not nationals of an EEA country are in fact allowed to work under certain conditions without the need to obtain further permission, but they cannot: (a) work for more than 20 hours per week during term time (except where the placement is a necessary part of their course and the work to study ratio does not exceed 50 per cent); (b) engage in business, self-employment or the provision of a service as a professional sports person or entertainer; or (c) pursue a career by filling a permanent, full-time vacancy. It should also be noted that only government-sponsored students and postgraduate students on courses of 12 months or more will be permitted to bring their dependants into the country; but in these qualifying cases the dependants will be allowed to work.

3.22

As part of the government's new policy on regulating student migration, the 'post-study work' route currently available under Tier 1 will be closed from April 2012. However, students who graduate from a UK HEI with a recognised degree, PGCE or postgraduate/professional diploma in education (PGDE) will be able to switch into Tier 2 before their student visa expires. This will enable them to take up the offer of a graduate-level skilled job from a sponsoring employer, provided they are still in the UK and provided the job pays at least £20,000 a year. The government has also pledged to develop a new 'entrepreneur route' for bright and innovative students with a business idea they want to make work in the UK.⁴³

UK visa and immigration rules for visiting staff

3.23

In pursuit of international excellence in research and scholarship, UK HEIs routinely recruit both teachers and researchers from around the globe; in 2008-9, almost one quarter of the academics employed by UK HEIs were foreign nationals.⁴⁴ As well as employing permanent full-time staff, many HEIs also welcome researchers, scholars and visiting professors from overseas who come to work here for much shorter periods of time, some of them as part of a bilateral agreement between the receiving institution and their home institution. Post-doctoral researchers may also find employment in this way, having obtained their postgraduate qualifications in the UK through work on collaborative research projects.

3.24

With the introduction of the points-based immigration system, the employment of staff from outside the EEA has also become the subject of more stringent immigration controls. Further changes were implemented in April 2011 but UK HEIs are still able to apply for Certificates of Sponsorship (CoS) to bring international staff to the UK. The main route is Tier 2 and additional points are available for people with higher level qualifications such as master's degrees and PhDs. A new route is due to be introduced for a small number of people of 'exceptional talent' in the sciences, arts and humanities; this is intended to provide access to the UK for leaders in their fields and for people at an earlier stage in their careers with exceptional promise. Details of this route and its operation should be announced by UKBA later in 2011.

43 See <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2011/march/54-student-visas> and link to 'Summary of the New Student Policy'.

44 UK HE International Unit, *International Higher Education in Facts and Figures* (August 2010), p. 14.

Tier 5 rules

3.25

Within Tier 5, designed for temporary migrants, a UK HEI with a Tier 5 sponsor licence is able to host and obtain the required CoS for a migrant 'sponsored researcher'. The expectation is that such a researcher will have a permanent employment overseas for which they are still being paid and is seeking to come to the UK to undertake a period of research at an employer/host institution. Entry via this route is consistent with a variety of funding scenarios: (a) where the funding for the research remains overseas; (b) where it is transferred to the UK employer or host; (c) where it is arranged and paid by the UK employer or host. 'Sponsored researchers' might also be academics on either paid or unpaid sabbatical leave from their home institutions that are in receipt of funding from their UK employer or host. In all cases, UKBA will need to see evidence of the sponsorship arrangement under which the migrant researcher is coming to this country and confirmation that sufficient funds are available for their maintenance. This might, for instance, be made up of a stipend from a sponsoring body combined with a continuing salary from the researcher's home institution overseas.⁴⁵

Academic visitor category

3.26

Another category that is outside the points-based system but within the visitor arrangements is that of 'academic visitor' which enables individuals who wish to come to the UK to carry out research for their own purposes.⁴⁶ Applicants must be either on sabbatical leave from an academic institution, and wish to make use of their leave to carry out personal research, or "an academic taking part in formal exchange arrangements with United Kingdom counterparts". Even though the visitor may be hosted by a UK HEI during their stay, this does not of itself constitute employment, which means there is no requirement for a post to be advertised. To qualify for entry to the UK under this route, an individual must among other things: (a) be "well qualified in his/her own field of expertise"; (b) not receive funding for their work from any UK source; (c) not engage in any work other than the academic activity for which they are being admitted; (d) not be filling a 'normal post' or 'genuine vacancy'; (e) not remain in the UK for longer than 12 months; and (f) be able to maintain themselves and meet the costs of their return home without having recourse to public funds in the UK. Significantly, the stipulation about not being in receipt of UK funding is qualified by the concession that "payments of expenses or reasonable honoraria may be disregarded, as may payments on an exchange basis".⁴⁷

Business visitor category

3.27

Lastly, it is also worth noting that academic staff from an overseas institution intending to come to the UK to accompany students on a 'study abroad' programme can do so as 'business visitors'. While in the UK, they will be permitted to do 'a small amount of teaching' at the university hosting their students provided that they continue to be employed and paid by their home institution and do not intend to base themselves or seek employment in the UK.

⁴⁵ For internal advice to UKBA staff about definition issues likely to arise in connection with this category, see UKBA, *Business and Commercial Caseworker Guidance* (June 2008), section on sponsored researchers at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/businessandcommercialcaseworker/wpukguidancesponsoredresearch1.pdf?view=Binary>

⁴⁶ See UKBA, *Immigration Directorate Instructions (IDI)* (June 2010), section 2.3, which is available online at:

<http://www.ukba.homeoffice.gov.uk/workingintheuk/>

⁴⁷ UKBA, *Visitors - visa application guide* (July 2010), section on 'Business Visitors – Academic Visitors', at:

<http://www.ukvisas.gov.uk/en/howtoapply/infs/inf2visitors#21136506>

3.28

Subject to advice from their personnel teams and other specialist advisors, collaborating institutions should be able to devise staff exchange programmes that are fully compatible with the requirements of these different immigration categories. Provided partner institutions are fully aware of the various schemes outlined above, and succeed in drawing up a collaborative agreement (see Chapter 6) that clearly defines their respective duties as well as their aims and operational objectives, then there should be nothing in UK immigration rules to prevent the development of new TNE programmes or to prejudice the continuation of existing ones.

For further information see:

UK Council for International Student Affairs: www.ukcisa.org.uk

UK Border Agency: www.ukba.gov.uk

The UK Government Home Office: www.homeoffice.gov.uk

British Council Education UK: www.educationuk.org/Home

4

Teaching collaboration with UK HEIs

Different types of trans-national education

4.1

The preceding chapter focused largely on students and staff coming to the UK as the result of a collaborative agreement between their home university and a host institution in the UK. In this section, the focus will be on the different types of trans-national programmes available and in particular on the role played by the overseas partner. In Section 2 of its Code of Practice, the QAA sets out the key principle that “collaborative provision, wherever and however organised, should widen learning opportunities without prejudice either to the academic standard of the award or the quality of what is offered to students”;⁴⁸ and it is this goal which should inform and animate best practice in each of the variants discussed below.

Branch campuses

4.2

Only a few UK universities have so far been successful in establishing branch campuses overseas, but these have generally been high-profile initiatives resulting from the direct involvement of government agencies as well as support and encouragement on the part of academic partners.

CASE STUDY

The University of Nottingham began admitting students to its own facilities in Malaysia back in September 2000, and opened its Semenyih Campus (located 30 kilometres from Kuala Lumpur) in August 2005, thus inaugurating the first purpose-built campus of a UK university outside of the UK. The following month, in a joint venture with the Wanli Education Group approved by the Chinese Ministry of Education, it officially launched an even more ambitious project in Zhejiang province.⁴⁹ Built on a 146-acre site, the University of Nottingham Ningbo, China currently offers 29 undergraduate and 13 postgraduate courses to some 4,300 students selected from all over the country. Its strapline of ‘Academic Excellence in the Service of Global Citizenship’ is expanded into a mission statement that commits the campus to “developing subjects that combine internationally ranked teaching and research excellence with Chinese needs for internationalisation and globalisation”.⁵⁰ Indeed the university sees internationalisation as lying at the heart of both its Semenyih and Ningbo developments, and the commitment of resources for the long term implied by the establishment of a branch campus can clearly yield dividends when it comes to state recognition. Just a decade after first opening its doors to students, in 2010 the University of Nottingham Malaysia Campus was granted the power to accredit its own degree programmes rather than having to seek approval from the country’s Higher Education Ministry. It was also deemed ‘excellent’ in The Rating System for Malaysian Higher Education and is now that nation’s highest ranking higher education provider. Meanwhile, back in China, at the end of 2010 it was announced that the Shanghai authorities have invited The University of Nottingham to establish a Sino-foreign campus in their city as well, the new campus to have “a strong focus on science and technology”.⁵¹

48 QAA, *Code of Practice for the Assurance of Academic Quality and Standards in Higher Education. Section 2: Collaborative Provision and Flexible and Distributed Learning* (Amplified Version of the 2nd Edition, 2010, p.16).

49 The University had actually begun admitting students at Ningbo in 2004.

50 See the University of Nottingham’s website at <http://www.nottingham.edu.cn/en/about/index.aspx> for relevant links.

51 See <http://www.nottingham.ac.uk/news/pressreleases/2010/november/shanghaicampus.aspx>

CASE STUDY

Also deeply invested in Malaysia is the University of Newcastle, which is in the process of establishing an international branch campus at Nusajaya in Johor to provide “globally acclaimed programmes of medical education [that are] responsive to the changing needs of the Malaysian healthcare system”⁵². Newcastle University Medicine Malaysia also intends to afford opportunities for postgraduate study. The university’s five-year undergraduate Bachelor of Medicine/Bachelor of Surgery degree was launched there in 2009; the campus is scheduled for completion in 2011; and it is currently planned that BSc degrees in Biomedical Sciences, as well as some postgraduate courses, will be offered from 2012. All programmes of study will be identical to those of Newcastle’s UK-based provision and lead to the award of the same degrees, thus enabling students to obtain “a reputable UK qualification, from an internationally recognised university, at a cost significantly less than that of studying in the UK”.⁵³

CASE STUDY

A third UK institution committed to achieving internationalisation through partnership is the University of Liverpool, which is endeavouring “to create a new international network for education and research, working with leading institutions”⁵⁴. These proposed partnerships are intended to “go beyond simple exchange programmes or research alliances” by integrating their activities by mechanisms such as the co-awarding of degrees.⁵⁵ The first fruits of this policy came in 2004 with an agreement to set up an autonomous HEI in the Suzhou Industrial Park in collaboration with Xi’an Jiaotong University and Laureate Education Inc. In May 2006, the Xi’an Jiaotong-Liverpool University (XJTLU) received formal approval from the Ministry of Education, and was granted degree-awarding powers in 2009. Students who successfully complete their courses are awarded degrees from both XJTLU and the University of Liverpool. Currently there are more than 3,000 students registered at XJTLU on 14 different programmes of study and the campus confidently expects to have 10,000 students enrolled by 2015.⁵⁶

4.3

Also taking the branch campus route is Middlesex University, which has a well-established presence in Dubai and, more recently, set up a campus in Mauritius. There are also plans for a campus in Noida, a suburb of New Delhi. The University of Southampton announced in January 2011 plans to establish a branch campus in Malaysia in 2012.

4.4

UK universities that are considering the establishment of campuses overseas are doing so for a variety of reasons. Some, like Nottingham and Liverpool, see it as a natural extension of their aspirations to international excellence, as tangible evidence that they are global organisations with a global reach. Others are drawn philosophically toward supporting the educational and reform agendas of developing countries and improving the lot of some of the world’s most deprived people. Indeed, these aims are far from being incompatible with one another. Yet while none should expect to bring home substantial profits from such engagements, all will hope to avoid incurring substantial losses and most will be looking, either directly or indirectly, to secure a modest return on their investments.

⁵² See: Newcastle University Medicine Malaysia: <http://www.ncl.ac.uk/numed/about/goals.htm>

⁵³ Further information can be found at: <http://www.ncl.ac.uk/numed/about/>

⁵⁴ See University of Liverpool: <http://www.liv.ac.uk/about/global-university/index.htm>

⁵⁵ See <http://www.liv.ac.uk/about/global-university/index.htm>

⁵⁶ The enrolment numbers can be viewed online at:

<http://www.liv.ac.uk/xjtlu/vision-strategy/index.htm>

4.5

Governments that encourage such initiatives are frequently driven by the need to stimulate the provision of quality higher education in order to meet the rapid growth of domestic demand. This is a natural consequence of both emergent prosperity and the demographic reality that significant proportions of their populations are under 20 years of age. Even countries with ambitious programmes for reforming and developing their own state systems can find themselves transferring substantial financial resources abroad as those students with the ability to pay take the opportunity to study at universities overseas – flights of adventure from which some of the best and the brightest may not return.

4.6

It is highly unlikely, though, that foreign HEIs, including those from the UK, will be willing or able to establish enough branch campuses to address these problems; but many more have long and positive experience of delivering their programmes ‘in country’ in collaboration with local higher education partners and such trans-national cooperation may be better suited to meeting the rising levels of demand. It is time, therefore, to consider the variant types of TNE presently in use. It will be noted, however, that the term ‘twinning’ is absent from this list. This is because its definition tends to be non-specific and can be used to describe any of the first four categories considered below.

*Joint and dual degrees***4.7**

The term ‘joint award’ describes a collaborative arrangement under which two or more institutions with degree-awarding powers come together to provide a programme of study that leads to a single award (such as a diploma or degree) being made jointly by both or all participants. A single certificate then attests successful completion of this jointly-delivered programme, replacing the separate institutional qualifications. The term ‘dual (or multiple) award’ is generally used to describe an arrangement by which two or more institutions provide a jointly-delivered programme that leads to separate qualifications being awarded by each of them; though some collaborating universities, concerned by the appearance of ‘double counting’, have fallen back on the idea of the qualification being awarded by one or other participating institution but not by both or all.⁵⁷

4.8

Programmes which confer joint or dual awards on students clearly offer potential benefits to providers that include both the public demonstration of their commitment to international collaboration and some obviously attractive branding opportunities; but it is less clear what students stand to gain in terms of broadening their experience that cannot be achieved by other means. Moreover, there remains considerable doubt about the legal capacity of UK HEIs to, in effect, ‘pool’ their degree-awarding powers and it is likely that HEIs in other legal jurisdictions might face similar difficulties.⁵⁸ Be this as it may, the number of institutions prepared to make such awards continues to grow.

*Programme articulation***4.9**

Less integrated than the delivery of joint or dual awards, but also far less prone to legal complications, is the development of arrangements that enable student progression between collaboration institutions. Programme ‘articulation’ in the international context is the process whereby an HEI in the UK evaluates the provision of an overseas partner and finds that a programme of study, or elements

⁵⁷ This is the solution adopted, for example, by the University of Dundee’s Quality Assurance Framework, for which see: <http://www.dundee.ac.uk/qaf/exteachingcollaborations.htm>

⁵⁸ For a discussion of some of the quality assurance and legal issues involved, see the report on the joint seminar held by the QAA in June 2005 at: <http://www.qaa.ac.uk/international/jointdegrees/jointdegreesreport.asp>

thereof, is of an appropriate content, level and standard to be deemed equivalent to specified components (usually completion of a year-stage) on one or more of its own programmes, thereby facilitating direct entry with advanced standing onto year two, three or four of the programme(s) concerned. This will normally involve the accumulation and transfer of 'specific credit', so that the credit achieved for approved study at the overseas institution is recognised and counted towards the academic requirements for an award at the UK partner institution.

4.10

In such an arrangement, the two separate components remain the responsibility of the respective institutions delivering them for quality assurance purposes but together contribute to the award of a single qualification. The details are written into a formal agreement whereby the awarding HEI in the UK agrees that any students who have successfully completed the specified programme of study (or components thereof) at the partner institution, and have passed all the assessments needed for the award of credit, are entitled to proceed to subsequent stages of one or more designated programmes delivered at the awarding institution. Programmes articulated in this way may either be pre-existing or else specifically designed with the express purpose of facilitating the progression of students between the collaborating partners.

Franchising

4.11

Each of the delivery models considered thus far involves the mixing in some fashion of course components developed and delivered at two or more collaborating institutions, and envisages students undertaking at least part of their studies in the UK. However, international partnership can involve the licensing of intellectual property rather than the movement of students, and may be particularly appropriate for institutions abroad that lack both degree-awarding powers and the necessary expertise to take on programme development on their own account. The process known as 'franchising' assumes an organisational relationship in which a university in the UK authorises another institution located overseas to deliver, and sometimes to assess, all or part of a programme which it has approved for delivery on its own campus. Typically with such an arrangement, the UK institution will expect to retain direct responsibility for such things as the content of the programme, the teaching and assessment strategy and its implementation, the quality assurance regime, and indeed anything that relates to the delivery of a course leading to one of its own awards. Students will normally be deemed to have a direct contractual relationship with the awarding institution, which will consequently feel entitled to behave vigilantly in order both to protect itself from legal liability and to avoid collateral damage to its reputation.

Validation

4.12

Where the overseas partner does have the internal capacity to develop high-quality programmes but lacks either degree-awarding powers or else the power to make awards at a particular (for example, postgraduate) level or in a given disciplinary area, then 'validation' might afford a viable alternative to franchising. This is a process by which assessors evaluate anything from a single module up to a full programme of study that has been developed at, and will be delivered by, a partner institution and approve it as being of an appropriate standard and quality to justify an award from their own university. In this instance, students undertaking the programme will normally have a direct contractual relationship with the overseas institution, but the UK partner will still wish to monitor both delivery and the quality of the student experience to ensure that all validation conditions are being met and that the standard of its awards is being maintained.

Corporate involvement

4.13

A further variation to the formats considered above can occur when either the UK or overseas partner in an international collaboration brings a corporate partner to the table with them. The past decade has seen a greater willingness on the part of

businesses worldwide to work more closely with both regional and internationally renowned universities that possess relevant expertise. Although most frequently built around contract research or the instigation of joint research and development programmes (see Chapter 5), bonds between the corporate and higher education sectors can also be forged from the bespoke tailoring of courses designed to train staff in or for the workplace.

Flexible and distributed learning

4.14

The QAA uses the phrase ‘flexible and distributed learning’ (FDL) to include both distance learning and e-learning, both of which are seen as being characterised by approaches to teaching, learning and assessment that: (a) do not require a student’s place of study to be physically located within the institution whose academic award is being sought through successful completion of the programme of study; (b) do not assume that a student’s programme of study is necessarily delivered directly by the awarding institution; (c) do not assume that a student is necessarily supported directly by staff of the awarding institution; (d) do not assume that a student is routinely working with other students; and (e) do not necessarily require assessment of a student’s achievement to take place at the location of the awarding institution.

4.15

At first sight, delivery at a distance may seem very different to the concept of collaborative provision, the former apparently endeavouring to cut out ‘the middle man’ by using the internet and independent-learning materials, much as ‘correspondence courses’ did for earlier generations. However, it is widely recognised that distance learners require support, feedback and guidance as much as, if not more than, students who acquire their learning predominantly through face-to-face contact. While most of this can usually be provided online, perhaps supplemented by tutorials and/or summer schools on the Open University model, where transnational study is involved there is clearly a benefit to the learner if support and access to learning resources can be provided in-country by a collaborative partner.

English-language courses

4.16

Most of the students who at present come to the UK to improve their general English-language skills are registered with dedicated language schools and colleges, rather than at universities or colleges of higher education. The language centres based at UK HEIs are largely there to support students who enrol on other programmes, through the medium of pre-sessional and in-sessional courses; but some institutions also provide specialised training at postgraduate level for people needing to develop high-end competencies. Birmingham University’s Centre for English Language Studies, for example, offers a master’s in TEFL/TESL that is “intended for teachers of English who wish to upgrade their professional standing”, as well as programmes in translation studies and applied linguistics.⁵⁹ Other HEIs advertise courses in English for business or academic purposes.

4.17

In future, though, it is expected that reputable private colleges will be able to offer language courses, including the so-called ‘pathway courses’ that prepare students for higher education study, by working in partnership with UK HEIs and other licensed sponsors that are willing to sponsor their students directly.⁶⁰ Another possible outcome of these impending changes might be a growth in demand for distance-learning language courses, and this is an area that potential collaborators would do well to explore.

59 See <http://www.cels.bham.ac.uk> TEFL stands for ‘teaching English as a foreign language’; TESL stands for ‘teaching English as a second language’.

60 See <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2011/march/54-student-visas> and link to ‘Summary of the New Student Policy’.

Study abroad

4.18 Study abroad programmes have a long history, with many four-year courses in foreign languages and ‘area studies’ traditionally offering a year spent studying at an HEI overseas. Much of this movement has been within Europe, but American studies programmes at UK universities have been exchanging students with partner institutions in the US for more than three decades – helped in part by the wider cultural phenomenon of ‘junior year abroad’ programmes at those institutions.

4.19 Within the EU, the primary vehicle for promoting student mobility has been the Erasmus programme. Established in 1987, this flagship education and training programme enables 200,000 students to study and work abroad each year. It also funds cooperation between HEIs across Europe, facilitating the movement of staff as well as students between universities. Periods of study abroad typically last from three to 12 months, and students taking part in the programme may in certain circumstances be eligible for grants to help cover the additional costs of travelling and living abroad.

4.20 The primary objectives of Erasmus are to benefit students educationally, linguistically and culturally through their experience of living and learning in other countries; promote cooperation between institutions; and help develop “a pool of well-qualified, open-minded and internationally experienced young people as future professionals”.⁶¹ Yet although these goals refer to a specific EU mobility scheme, they could equally stand as a justification for study-abroad programmes in general. This is why so many internationally oriented universities have spent time and effort to develop them. The University of Leeds, for instance, has nearly 900 students studying abroad every year, almost half of whom are not on language programmes. Those interested are invited to “choose from some 200 institutions from Spain to Singapore” with a view to gaining confidence, broadening their horizons, developing their skills and experiences, and thereby improving their future employability.⁶²

4.21 Bi-lateral cooperation between institutions can clearly be used to provide opportunities for their students to study abroad and multi-lateral arrangements can do even more to increase the choices available. With a little imagination and some good organisation, the outcomes of collaboration can be both impressive and rewarding.

International volunteering

4.22 As well as arranging for their students to study abroad, a number of universities encourage them to participate in international volunteering activities as well. The Southampton University website, for instance, provides links to more than 20 organisations that specialise in volunteering and work placements outside the UK.⁶³ The Community Volunteering Service recruits, trains and helps place students and staff in volunteer placements both at home and overseas. It also liaises with external bodies to make sure that prospective volunteers have a wide range of interesting and fulfilling placements to choose from. As the website says: “International volunteering opportunities have the potential to benefit you as an individual, the organisation with which you are engaged and society at large. Increasingly, students who have greater global awareness and understanding are sought after by employers for the skills they have developed.”⁶⁴

4.23 Leeds Metropolitan University has gone even further by establishing a programme that enables both staff and students to volunteer their time and expertise in the

61 For further information, see http://ec.europa.eu/education/lifelong-learning-programme/doc80_en.htm and http://ec.europa.eu/education/erasmus/doc892_en.htm

62 See <http://studyabroad.leeds.ac.uk/outgoing>

63 See: <http://www.southampton.ac.uk/careers/volunteering/international.html>

64 See <http://www.southampton.ac.uk/careers/volunteering/index.shtml> and associated links.

service of partner communities overseas. Since it was piloted in 2006, around 650 individuals have taken part in a scheme which seeks to provide “affordable, safe, meaningful, challenging and rewarding experiences” for those volunteering while creating “long-lasting beneficial relationships” with overseas collaborators.⁶⁵ The university works with a range of international partners, in some cases liaising directly with communities and in others being put in touch by an associate HEI in the country concerned which may also help with some of the arrangements. Mutual benefit and sustainability are the key themes of the programme, combined with a clear institutional commitment to promoting reflective practice and enhancing the employability skills of the student volunteers. Placements are also possible in one of a number of local projects which involve working with people from different cultures and communities within Leeds and its wider region.⁶⁶

Laws and regulations of partner countries

4.24

For international collaborations to succeed, it is essential that institutions are both aware of and fully comprehend the framework of legal, administrative and sometimes political constraints within which they and their prospective partners have to operate.

4.25

For instance, if they fail to understand the responsibilities placed upon awarding bodies in the UK by the QAA's quality assurance guidance, overseas partners may easily be offended by what could be seen as an overly intrusive appraisal of everything from student feedback to a member of staff's curriculum vitae. Likewise, UK HEIs are frequently exasperated by the need to provide documentary evidence to foreign governments that they are properly accredited as HEIs in their own country. It is important, therefore, that both partners and prospective partners should feel able to discuss their respective positions in an open manner, the better to explain to one another the rules and regulations within which each has to operate. Compromise may not always be an option, but at least obstacles to progress can be clearly identified if the parties can sit down to discuss their difficulties in an atmosphere of mutual respect and understanding.

4.26

Like it or not, UK HEIs that wish to do business in countries overseas have no choice but to work within the regulatory structures controlling the markets they are seeking to enter, and it is always easier to do so if one has advice and guidance from local partners who understand from the inside what is required. The University of Nottingham's landmark development at Ningbo, for example, was only made possible by virtue of a locally sponsored joint venture being able to navigate successfully the demanding provisions of the Sino-Foreign Education Co-operative Law. Of course, collaborating partners will find it frustrating when a state agency asserts the right to accredit overseas qualifications and then fails to handle their joint application in a timely fashion; but at least the overseas institution will know what to do next. Dealing with government officials, quality regulators or professional and statutory bodies can be taxing in any jurisdiction; but understanding the context in which they operate is an essential prerequisite to meeting their requirements.

⁶⁵ See: http://www.leedsmet.ac.uk/cpv/index_About.htm

⁶⁶ For further information about the projects being undertaken, see <http://www.leedsmet.ac.uk/cpv/index.htm> and associated links.

5

Research collaboration with UK HEIs

5.1

The other area of collaboration, separate to those mentioned in the previous chapter and worthy of a section in itself, is research. This chapter looks at the potential opportunities for overseas institutions to collaborate with the UK through research partnerships.

5.2

Research and scholarships are globally recognised hallmarks of the higher education community, and are indeed what principally distinguish it from other types of education institution. That is not to say that those employed in schools and further education colleges cannot be extremely learned in their fields of study or even active researchers contributing to the sum of human knowledge, but they do so as individuals not as a requirement of the job. Lecturers in higher education, on the other hand, cannot teach students to degree level or contribute to curriculum development without being abreast of the latest advances in their subject; and the best students, particularly at the postgraduate level, will expect to be taught by people at the forefront of their discipline, who are actively engaged in new research.

5.3

While research in the sciences and, to some extent, the social sciences has long been characterised by team effort, scholarly progress in the arts and humanities has more generally been the product of solitary endeavour. But even the lone researcher is part of an international academic community in which ideas are exchanged, hypotheses are proposed and challenged, and findings are reviewed and published. There is a general push across the UK's research councils to support a cross-disciplinary and more collaborative approach to working (both within the UK and internationally) and although such agendas may require a leap of the imagination if they are to be successful, they will be building on international foundations that are already well established.⁶⁷

Individual, departmental and institutional collaborations

5.4

There is no single roadmap to the setting up of successful collaborations between institutions, but there is plenty of evidence to suggest that the most robust and enduring relationships have tended to grow out of associations that were forged initially at a personal or departmental level. Senior managers may provide the organisational framework within which joint-working can develop, but it is the researchers themselves who must want to work together and who must be able to discern mutual benefit in so doing. There also needs to be a good fit between their respective research goals, and a complementarity between the experience and expertise that each individual or team brings to the project.⁶⁸

5.5

Academics get to know of each other's work in a variety of ways that range from reading colleagues' publications to meeting them at conferences, and many successful intra-European collaborations can trace their roots back to EU-sponsored staff mobility schemes. EU funding for research has long required bidders to work in multinational consortia and, faced with the need to identify compatible partners, many institutions chose to work with people they already knew through the operations of the Erasmus student-exchange programme, which not only facilitates student mobility but also supports university lecturers and invited business partners who want to teach or receive training abroad (see Chapter 4 and below).⁶⁹

5.6

If this can be described as the 'bottom-up' approach, with academics forging their own international links, there has also been something of a revolution in the way that institutions promote opportunities for research cooperation 'top down'. This

⁶⁷ See the Arts and Humanities Research Council website for the different types of opportunities available:

<http://www.ahrc.ac.uk/FundingOpportunities/Pages/default.aspx>

⁶⁸ For two excellent overviews of international research collaboration, see Colin McCraig et al., *International research collaborations in UK higher education institutions* [DIUS Research Report] (2008) at:

http://www.bis.gov.uk/assets/biscore/corporate/migratedD/publications/D/DIUS_RR_08_08 *International research collaboration: opportunities for the UK higher education sector* [UUK Research Report] (2008) at:

http://www.universitiesuk.ac.uk/Publications/Documents/researchreport_internationalresearch.pdf

⁶⁹ For an overview of the Erasmus programme, see: http://ec.europa.eu/education/lifelong-learning-programme/doc80_en.htm

can be achieved in two ways: firstly, through membership of one or more multi-lateral alliances such as the League of European Research Universities (LERU), the International Alliance of Research Universities (IARU), Universitas 21 (U21) and the Worldwide Universities Network (WUN); and secondly, through the conclusion of bilateral agreements with selected institutional partners overseas.

5.7

Founded in 2002, LERU brings together 22 of Europe's leading research universities that share "the values of high-quality teaching in an environment of internationally competitive research"⁷⁰; it currently has Cambridge, Edinburgh, Imperial College London, Oxford and University College London as its UK affiliates. Though more focused on influencing research policy in Europe and spreading best practice than with promoting collaborative research, LERU members are undoubtedly research heavyweights on the international scene, with combined research budgets that exceed €5 billion.

5.8

IARU is a grouping of ten of the world's most prominent research-intensive universities including Cambridge and Oxford, and was launched in 2005 with the aim of "addressing grand challenges facing humanity". In pursuit of this mission, the alliance has identified "sustainable solutions on climate change" as one of its principal objectives. Both of its UK members are currently collaborating with international partners on major research projects that relate to ageing, longevity and health.⁷¹

5.9

Established in 1997 as an "international reference point and resource for strategic thinking on issues of global significance", U21 is an international network of 23 leading research-intensive universities in 15 countries, whose purpose is "to facilitate collaboration and cooperation between the member universities and to create opportunities for them on a scale that none of them would be able to achieve operating independently or through traditional bilateral alliances"⁷² Its current UK members are the Universities of Birmingham, Edinburgh, Glasgow and Nottingham.

5.10

From the perspective of research collaboration, perhaps the most interesting of the four multi-lateral alliances considered here is WUN⁷³, founded in 2000 as a grouping of 16 top research institutions from around the world, and explicitly committed to "promoting a global research culture through collaborative academic activity". This includes joint distributed-learning courses, virtual seminars, and mobility programmes for both staff and students as well as collaborative research carried out between member institutions. Joint research activity is particularly emphasised as enabling member universities "to develop critical mass and competitive advantage and deliver research programmes of greater scale and scope than could be effectively delivered by individual institutions". Collaborative research takes place across a broad range of disciplines, with eight research groups established in the arts and humanities, three in engineering, eight in the fields of medicine, dentistry and health, 12 in science, and 22 in the social sciences. The Universities of Bristol, Leeds, Sheffield, Southampton and York make up its current UK membership and between them are actively engaged in all of these groups.⁷⁴

70 See: <http://www.leru.org/index.php/public/home/>

71 See: <http://www.iaruni.org/index.php>

72 See: <http://www.universitas21.com/about.html>

73 See: <http://www.wun.ac.uk/about>

74 The quotations are from the University of Southampton's website at: <http://www.soton.ac.uk/about/wun> But see also WUN's own website at: <http://www.wun.ac.uk>

5.11 Although membership of all four of these groups is by invitation only, the benefits which collaborative activity confers are available to any research-active HEI through the mechanism of bi-lateral agreements. Initial links developed by individuals or departments can be successfully propagated at institutional level provided that care is taken to encourage and support newly created groups. The University of Southampton, for example, has a longstanding relationship with Xiamen University in China's Fujian province, originally taking the form of cooperation between their respective chemistry departments and more recently expanded into a full-blown strategic partnership. Southampton also has a well-established association with Tsinghua University, with whom they have now set up a Joint Research Centre for Web Science at Tsinghua University's Graduate School in Shenzhen.⁷⁵

Understanding the research and development spectrum

5.12 In the UK, as elsewhere, some of the research undertaken by academics is intended to expand our knowledge of the world around us or to improve our understanding of the human condition. It is not expected to have any useful application, at least in the short term, but is carried out in the spirit of intellectual curiosity. But this research has played a fundamental role in driving forward new thinking and ways of understanding the world around us, making a significant and positive contribution to all areas of our society, economy and national life.

5.13 UK HEIs have an enviable record of delivering research that reaches the highest international standards. Scholars affiliated to the University of Cambridge, for example, have won more Nobel Prizes than those from any other institution in the world – some 88 in all since 1904, including 29 in physics, 25 in medicine, 21 in chemistry, nine in economics, two in literature and two for their contributions to peace.⁷⁶ While some of the work so honoured has doubtless been highly theoretical, some of it, like the discovery of penicillin, has improved the lives of millions.

5.14 Because of its enormous cost, research in the 'big science' areas of physics, astronomy and now the biological sciences has become increasingly characterised by trans-national teams using large-scale instruments and facilities. It is heavily dependent on funding from government or international agencies, and is largely the preserve of academics at an élite group of research-intensive universities. Small-scale research and development (R&D) projects, however, can be found at most HEIs; sometimes involving commercial partners, these activities often provide a manageable first step for international collaboration.

⁷⁵ For all Southampton's links in China, see http://www.soton.ac.uk/ccc/links/links_with_unis.html For the launch of the Joint Research Centre for Web Science, see <http://www.ecs.soton.ac.uk/about/news/1830>

⁷⁶ These are listed on the University of Cambridge website at: <http://www.cam.ac.uk/univ/nobelprize.html>

*Applied research***CASE STUDY**

De Montfort University in Leicester (DMU) is one of the highest-performing modern universities for research, with indicative funding from HEFCE of £5.1 million in 2010-11 and a further £10 million annually consistently secured from other research-funding bodies. The academic excellence of the university was confirmed in the 2008 Research Assessment Exercise (RAE), where 43 per cent of its research was rated as 'internationally excellent' or 'world-leading'. DMU enjoys research partnerships with 62 universities worldwide, including Bauman Moscow State Technical University, Texas A&M and St Petersburg State University of Technology and Design. One significant contributor to this profile has been the Mechatronics Research Centre (MRC) which focuses on real-world challenges faced by both society and industry throughout the UK and Europe. Among its oldest international collaborators are Bauman Moscow State Technical University and Moscow State Technical University (Stankin) – two of Russia's finest technical research institutions. More recently, the association with Bauman has been extended into teaching areas, including the development of a new master's programme in design entrepreneurship which affords both staff and students opportunities for innovative research projects. DMU's Centre for English Language Learning has also hosted staff from Bauman for the final week of a three-week teacher-training programme, sponsored by the British Council's British Degrees in Russia Project (BRIDGE), intended to update teaching methodology.⁷⁷

5.15

Other post-1992 universities have also developed significant research profiles that involve collaboration with international partners.

CASE STUDY

The University of Plymouth, with £8.4 million of HEFCE research funding in 2010-11, is committed to promoting international activity and collaborations, and to building strong links and networks with partners in the Asia-Pacific region, South Asia, the Middle East, Europe and North America. It believes that "international partnerships are fundamental to building and sustaining a competitive edge and to ensuring that staff and students benefit from internationalisation in a global environment"⁷⁸. Plymouth actively seeks to "identify mechanisms to encourage and promote greater engagement by leading researchers from other countries within the university and the [South-West] region" and to "promote the use of seed-corn funding to develop partnerships and networks".⁷⁹

⁷⁷ For an overview of De Montfort's research profile, see <http://www.dmu.ac.uk/research> For the BRIDGE-sponsored Language Centre visit, see

<http://www.dmu.ac.uk/faculties/humanities/news/centre-for-english-language-learning/news-20090226-bauman.jsp>

⁷⁸ See: <http://www.plymouth.ac.uk/files/extranet/docs/web/researchandinnovationstrategy2009to2012.pdf>

⁷⁹ To see these international commitments (Key Theme 6) in the context of the institution's wider research agenda, see University of Plymouth, *Research and Innovation Strategy, 2009-2012* (Apr 2009) at: http://www.plymouth.ac.uk/files/extranet/docs/PGS/RESEARCH&INNOVATIONstrategy_2009_12.pdf

5.16

Positioned between the élite research institutions and the research-active modern universities are the bulk of traditional 'redbrick' HEIs, more or less research intensive in their missions, many of whom have international collaboration as a key theme in their research strategies.

CASE STUDY

The University of Ulster is the lead UK partner in a £9.2 million collaborative research project with seven research institutes in India that include IIT Madras. The India-UK Advanced Technology Centre (IU-ATC) is “responding to the growing global demand for affordable and efficient broadband by researching new technologies to meet the needs of the emerging digital economy”⁸⁰. The solutions being developed are seen as having relevance not only to the UK and India but also to places such as Brazil, China and the countries of the Middle East.⁸¹

CASE STUDY

The Leeds Social Science Institute at the University of Leeds has established partnerships with major international research centres and institutes in ten countries with a view to strengthening comparative research in the fields of population change and equality, diversity and security. Half of its collaborators are based in Europe while the remainder are located in Australia, Hong Kong and the United States.⁸²

CASE STUDY

At Cardiff University, the Infection, Immunity and Inflammation Interdisciplinary Research Group (i3-IRG) undertakes research designed to promote understanding of the immune system in order to improve both the diagnosis and therapy of infection, inflammation, autoimmunity and cancer. Collaboration between members in different areas of expertise takes place within the university, across Wales, and across the world. Internationally, this involves partnerships with researchers and clinicians at institutions in Europe, America, Africa, Asia and Australia.⁸³

CASE STUDY

At the University of Edinburgh, researchers in genetic epidemiology and public health have been working in collaboration with research teams at Harvard University, Johns Hopkins University, Peking University and the Nossal Institute for Global Health, Melbourne. It has been discovered that pneumonia is the leading cause of death amongst Chinese children. However, the study also predicts that complications caused by premature birth will soon become the leading cause of childhood death in China as increased access to hospital treatment cuts the number of pneumonia deaths.

The research, published in *The Lancet*⁸⁴, was the first to make detailed Chinese health information available in the English language. It was made possible by the recent digitisation of Chinese health research reports. The data confirms that China has already met the fourth of the United Nation's Millennium Development Goals⁸⁵, which aims to reduce mortality in under-fives by two-thirds between 1990 and 2015.

⁸⁰ See: <http://www.sciencenewsline.com/nature/2010071900001488.html>

⁸¹ See <http://news.ulster.ac.uk/releases/2010/5255.html>

⁸² For the full list see <http://www.lssi.leeds.ac.uk/>

⁸³ See <http://medicine.cf.ac.uk/en/research/research-groups/i3/funding>

⁸⁴ See: <http://www.thelancet.com/home>

⁸⁵ See: <http://www.un.org/millenniumgoals>

5.17

These are, of course, only a few instances chosen from across the range of HEIs in the UK to illustrate the impressive amount of research activity currently being undertaken by UK HEIs in collaboration with overseas institutions. They should suffice, however, to demonstrate the real potential for developing productive research partnerships, either as the prime focus or an added dimension of almost any international collaborative agreement.

Applying jointly for funding with international partners

5.18

Most academic research in the UK, whether collaborative or otherwise, is made possible by grant funding. Each year roughly £3 billion is provided by the UK government via one of seven research councils for project-based research.⁸⁶ The rest comes from the EU through its Framework Programmes and Structural Funds;⁸⁷ or from the private sector, both through charitable foundations such as the Wellcome Trust;⁸⁸ and directly from industry and commerce.

5.19

Consequently, HEIs contemplating international research collaboration need to think carefully about their respective sources of funding and how best to make them compatible. In general, UK funding bodies will only support the activities of research teams at UK institutions, though in some circumstances this might include the temporary employment of a researcher from an overseas partner institution. Collaborating international partners will therefore need to have access to complementary sources of research funding in order to secure their own participation.

5.20

The UK research councils run a number of schemes in support of activities that foster international collaboration. With a focus on initiating or furthering the development of long-term relationships between researchers in the UK and other countries, their objectives include the establishment of partnership links between research institutions, the improvement of existing links between research groups and the extension of disciplinary networks. They also encourage individual researchers from overseas to undertake research in the UK and for UK researchers to spend time abroad. Most importantly, they aim to make it simpler for UK academics to collaborate with their preferred research partners around the world by supporting enabling activities and reducing barriers. One potential barrier to international collaboration is the so-called 'double jeopardy' problem, where a proposed joint project gains approval in one country but not in another. The Research Councils UK (RCUK), the overarching body, works with funding partners overseas to minimise this risk, and has developed a flexible range of funding mechanisms that aim to build partnerships from first contact to large collaborative programmes.⁸⁹

5.21

At the national level, RCUK has developed a number of Cross Council Research Programmes, multi-disciplinary programmes of research that aim to address global-level research challenges over the next 10 to 20 years. Current themes are in areas such as environmental change, lifelong health and wellbeing, energy, and dealing with global uncertainties in a changing world.

5.22

Other organisations with a remit to help promote overseas research partnerships include the Royal Society and British Academy. Their International Joint Projects Scheme is "designed to enable international collaboration by providing the marginal

⁸⁶ These are: the Arts and Humanities Research Council (AHRC); the Biotechnology and Biological Sciences Research Council (BBSRC); the Engineering and Physical Sciences Research Council (EPSRC); the Economic and Social Research Council (ESRC); the Medical Research Council (MRC); the Natural environment Research Council (NERC); and the Science and Technology Facilities Council (STFC). Further details can be found by following links on the website of RCUK at: <http://www.rcuk.ac.uk>

⁸⁷ For Framework Programmes, see http://cordis.europa.eu/home_en.html For Structural Funds, see http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/newreg10713_en.htm

⁸⁸ See <http://www.wellcome.ac.uk>

⁸⁹ See <http://www.rcuk.ac.uk/international/funding2/default.htm> and the link to <Funding International Collaboration>

costs of research”⁹⁰ such as travel, subsistence and incidental research expenses. The aim is to “provide seed money for research that will lead to further collaboration and greater funding in the future from larger funding bodies”.⁹¹ Although the sums of money are relatively small (currently £12,000 over two years), they should in most cases be sufficient to facilitate mobility of the key staff needed to design a collaborative project and draw up a fully costed research proposal to be submitted for more substantive funding from other sources. The EU also offers a range of opportunities for trans-national collaborative research. These are available primarily through the Framework Programme for Research and Technological Development, the largest funding programme of its kind in the world, with €12.7 billion awarded to date under the current iteration of the programme.

Split-site PhDs as routes to research collaboration

5.23

A particularly innovative mechanism for increasing collaborative research while providing enhanced opportunities for international students has been the development of the ‘split-site’ PhD. This enables a postgraduate student to obtain the degree of an overseas university while spending only a part of her/his time researching at that institution; the rest of the time is spent researching at a partner institution in the country of origin. Key to the success of such arrangements will be the attention paid to designing and supervising the student’s programme of research, and this in turn will be dependent on the establishment of mutual confidence, excellent communications and compatible facilities and expertise between researchers at both the sponsoring universities. Minimum residency requirements in the UK vary and a minimum of 12 months spent in the UK (not necessarily continuous) would not be unusual. Some, though, are much shorter. De Montfort University, for example, allows overseas students to enrol under the ‘six-week rule’ whereby students with access to appropriate research facilities and supervision in their own country must spend at least six weeks of every year at DMU in Leicester.

5.24

Although such doctoral programmes could in principle be the subject of a joint or dual award (see Chapter 4), most of those developed to date lead upon successful completion to the award of a degree from the UK partner institution. One conspicuous exception to this norm is the ‘U21 Jointly-Awarded PhD Project’ in which 14 of the group’s members, including all four from the UK, have recently developed a scheme under which two partner universities create a tailor-made programme of study for the student, taking their specific research needs into account and enabling close collaboration between the two institutions.⁹²

Knowledge exchange and capacity building

5.25

UK higher education has long experience of equipping businesses to understand and implement the new technologies and techniques that are constantly being developed at the forefront of research, and this process of ‘knowledge transfer’ is now seen increasingly as having a key role to play in improving the effectiveness of the UK’s international development effort as well. As we have already seen, a number of research-intensive universities are extremely active in the fields of climate change, health care and sustainable agriculture and many more possess expertise in the low-energy, low-carbon technologies that are of particular importance to the transitional economies of the developing world.

⁹⁰ See: <http://www.britac.ac.uk/funding/guide/intl/index.cfm>

⁹¹ Follow links to <International Joint Projects> at: <http://royalsociety.org/Funding-scientists>

⁹² See <http://www.birmingham.ac.uk/international/collaborate/universitas21.aspx> A copy of the MOU establishing the scheme can be found at: <http://www.universitas21.com/DDOGS/JointPHDarticleAR08.pdf> and ‘Guidelines from U21 for Students and Supervisors’ are available by following the link at: <http://www.nottingham.ac.uk/gradschool/newphd/u21phd.phtml>

5.26

A good example of what can be achieved is provided by the new London International Development Centre (LIDC). Made possible by an investment of £3.7 million from HEFCE's Strategic Development Fund, the centre is a multi-disciplinary collaboration between six University of London colleges: Birkbeck, the Institute of Education, the London School of Hygiene and Tropical Medicine, the Royal Veterinary College, the School of Oriental and African Studies, and the School of Pharmacy. As well as the ability to draw upon the range and depth of expertise at these six specialist institutions, LIDC will also be working in partnership with researchers, policymakers and practitioners in Africa, Asia, and other low- and middle-income regions. In his keynote address at the launch event in April 2010, the then Secretary of State for International Development was clear about the importance of this collaborative dimension: "Only by working together can we ensure that we translate research findings into knowledge that can be used to good effect in those countries most in need."⁹³ The value of adopting an inter-disciplinary approach was also stressed by the Director: "This centre brings together a uniquely large and diverse community of natural scientists and social scientists and their respective development partners which will contribute innovative, inter-disciplinary research, teaching and capacity-building programmes towards the achievement of international development goals."⁹⁴

5.27

Impressive as this commitment of research resources undoubtedly is, knowledge exchange and 'capacity building' should not be regarded as the sole preserve of large-scale centres such as LIDC. Most UK HEIs are used to working with governmental agencies at the national, regional and local levels and have much to contribute in the international sphere as well, especially if they can build constructive long-term relationships with overseas development partners. The opportunities are there to be seized.

The commercialisation of collaborative research

5.28

In conclusion, let us consider the financial benefits that can accrue to HEIs as a result of successful collaborative research. While most institutions are naturally keen to protect their intellectual property (see Chapter 6), the effective exploitation of R&D outcomes can often depend on combining the results with those achieved from work undertaken elsewhere, either using a different approach or a complementary skill set. Some of that work will almost certainly be taking place at institutions located overseas, by researchers with outstanding expertise who nonetheless lack the experience, infrastructure and connections needed to bring their discoveries and inventions to market. Likewise, UK-based researchers can often best find markets in Asia, Africa and the Americas by working with counterparts who understand those societies from the inside.

5.29

A few clicks on the website of almost any UK HEI will quickly find a list of the prominent, often multinational companies with which that institution is already in partnership. The potential for developing multi-lateral, trans-national collaborations between HEIs in different countries and their respective commercial partners has yet to be fully explored, but is likely to be vast. Care, of course, needs to be taken to ensure that HEIs do not exclude themselves from potentially lucrative cooperation with business, either by harbouring unrealistic expectations of what their research discoveries are actually worth or by delaying commercial exploitation with inappropriate bureaucracy.⁹⁵

⁹³ See: <http://www.london.ac.uk/797.html>

⁹⁴ See <http://www.london.ac.uk/797.html> for further details.

⁹⁵ See, for example, <http://www.guardian.co.uk/education/2009/mar/12/business-research-spin-outs>

5.30

By insisting on their wider social responsibilities, universities and colleges can also exert a positive public influence on corporate behaviour. In 2009, for instance, Edinburgh became the first UK HEI to help make medicines available cheaply in the developing world by only licensing its research to those pharmaceutical companies willing to provide life-saving drugs to poorer communities at cost price.⁹⁶ Clearly, the research, commercial and international development agendas do not have to be mutually exclusive.

⁹⁶ For further details see <http://www.guardian.co.uk/science/2009/apr/26/cheaper-medicines-edinburgh-university>

6

Legal issues and problems

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Introduction: the UK's legal systems*UK universities and the law*

6.1

Viewed historically, partnerships between academic institutions have tended to be the product of working relationships between individual academics; but more recently, as the potential benefits and risks from overseas collaborations have increased, universities and colleges have begun to manage their international partnerships portfolio more effectively, which in turn has meant involving lawyers on a larger scale than ever before. However, most UK HEIs choose not to adopt the more legalistic approach to partnerships that is common at many American universities. Consequently, negotiations between potential collaborating institutions are likely to be led, at least in the first instance, by staff from a 'partnerships' or 'international' office, or even by faculty members, with lawyers being brought in at a fairly late stage to document the agreed arrangements.

6.2

An important example of the way in which UK HEIs continue to avoid a legalistic approach in these matters is their use of the term 'partnership' to describe collaborations between academic institutions. No lawyer would use this term, which in the UK's legal systems refers to a legal relationship in which each party is fully liable for the acts and omissions of the other, even where they have had no involvement with the activities in question. Any lawyer consulted regarding a collaboration agreement will include a clause stating that the agreement is not intended to create a legal partnership. Nevertheless, given its widespread use in the higher education sector, this chapter will continue to use the term 'partnership' in its colloquial rather than its legal sense.

The UK legal system: three legal systems in one state

6.3

The UK is a unitary state; for although there are governments in Scotland, Wales and Northern Ireland, these possess only the specified powers that have been devolved to them. However, it is important when considering legislation passed by the Westminster Parliament to check whether it extends beyond England. Much legislation relevant to international partnerships, such as employment and immigration law, is UK-wide, but there are differences in education legislation between the four countries. For example, the remit of the Office of the Independent Adjudicator (OIA), set up to deal with student complaints against HEIs once an individual has exhausted all internal processes, does not extend to Scotland or Northern Ireland.

Sovereign immunity

6.4

Whereas many non-UK universities, especially in Europe, may be treated as organs of the state and so may be immune from legal liability in some situations, all **UK** HEIs are in law separate from the state for this purpose. Sovereign immunity, therefore, does not apply to them. Most are corporate legal entities established by Royal Charter, individual Acts of Parliament, the Companies Acts or general education legislation. However, most receive substantial amounts of public funding and are treated as public bodies for other purposes such as the procurement of goods and services, the application of freedom of information legislation and their susceptibility to judicial review.

Law and regulation

6.5

As will be apparent from earlier chapters, higher education in the UK is heavily regulated, especially with regard to quality assurance, immigration compliance and a range of financial matters. In addition, all businesses in the UK, whether in the private or public sectors, are subject to substantial regulation in areas such as health and safety, employment and data protection. Therefore, in drawing up agreements for international collaboration, overseas universities need to be mindful of the legal and regulatory constraints under which their UK partners are operating, just as UK HEIs must be aware of similar restrictions in other jurisdictions.

The rights of third parties

6.6

It is quite common for potential partner institutions to spend both time and effort negotiating agreements between themselves, while overlooking the fact that the arrangements they put in place will involve a range of other stakeholders, in particular staff and students. These will not be parties to the final operating agreement between their respective institutions, and indeed it is not unusual for such a partnership agreement specifically to deny any rights to them. It has also been common for UK HEIs intending to validate the courses of a partner institution to seek to prevent that institution's students having any rights against them. Such attempts may be doomed to failure, however, with the courts being prepared to imply a contract between the student and the validating institution. Similar problems can arise as well where the staff of one institution undertake activities on the premises of another, and where that other institution has control over such staff.

6.7

It is therefore vitally important that collaborating institutions agree their respective responsibilities toward third parties and ensure that these are appropriately dealt with when drafting employment contracts for staff, enrolment and academic regulations for students, and all similar documents pertinent to the successful operation of the partnership.

Preparing the ground

Rationale

6.8

No institutional partnership will survive for long unless it is based on a realistic and explicit rationale agreed by the parties. Moreover, no legal documentation is likely to be effective unless it is grounded in robust answers to the following questions:

- Why are the universities proposing to work together rather than undertaking the project(s) by themselves? Each party must have an answer that grows out of, and is congruent with, their wider strategic aims.
- Why are these particular universities proposing to partner with each other rather than with other institutions? To answer this question, institutions must have a realistic assessment not only of their prospective partner but also of themselves.
- Is the proposed collaboration to be a single 'special relationship' or do the parties intend to operate other collaborations in parallel? While there may be some conspicuous advantages to be derived from exclusivity, there may be even more to be gained from access to a ready-made network of existing partners.
- How long do the parties want their partnership to last? It could be a short 'one-off' project or it could develop into a longer and broader relationship.

Risk assessment

6.9

With the fundamental shape and purpose of the proposed collaboration clearly worked through and explicitly shared by both parties, it is time to consider what might go wrong. Before spending substantial time and money undertaking due diligence and drafting partnership documentation, it is important for both parties to undertake a preliminary risk assessment. While this initial exercise can be fairly rough and ready, in the longer term it will be necessary to conduct a thorough-going review that is much broader in scope than the obvious evaluation of financial hazards. What happens if government policy changes or if research students are unhappy with the quality of the supervision they receive? How will the university's reputation be affected if its partner institution fails a quality assurance review or loses major contracts from a multinational sponsor? What will be the cost of protecting visiting staff and students if a national currency collapses and exchange rates worsen dramatically? Universities have had to cope with all of these eventualities and others during the past two decades, and will doubtless encounter some of them again in the future. Frank and imaginative discussion is the essential prerequisite to identifying, evaluating and managing risks, and peace of mind can usually be achieved once contingency plans and counter measures to be adopted have been formulated into a comprehensive risk register.

Undertaking due diligence

Why undertake due diligence?

6.10

Institutions which have experience of acquiring or collaborating with other organisations of a commercial nature will need no introduction to due diligence as a standard business process. However, those who have in the past been wholly dependent on public sources of funding may be less familiar with it. Many UK HEIs will have previously undertaken some due diligence with respect to overseas partners, especially those operating in the private sector, but are not used to receiving due diligence enquiries on themselves. Indeed, when pressed, they may suggest that, as quasi-public bodies that make much corporate information publicly available, they have no need to provide additional information to potential partners.

6.11

In fact, at any one time, HEFCE and the other UK funding bodies identify a small number of HE institutions as being at financial risk, though their identity is only made public some years after the event. Rather more publicly, as the result of institutional or collaborative provision audits, the QAA has expressed limited confidence in the quality and standards of an equally small number of institutions. Thus, while the financial and academic soundness of most UK HEIs can be assumed, overseas institutions should still make appropriate enquiries into their proposed UK partner.

When to undertake due diligence

6.12

Due diligence should be undertaken after the initial risk assessments have been completed, and it has been confirmed that both institutions are potentially suitable partners. Given the likely cost of enquiries, some institutions may wish to wait until after the preliminary memorandum of understanding (MOU) has been signed; but sufficient time should be allowed to undertake the enquiries, and to consider both the results and their effect on the negotiations. Preparation of a draft partnership agreement can, of course, continue in the meantime.

Types of due diligence

6.13

Most academic institutions will be aware of the need to have confidence in the proposed partner's academic credentials and to recognise a good 'fit' with their own academic plans. Institutional audit reports on all UK universities can be found on the QAA's website, and the reports published by some other inspection bodies, such as the Office for Standards in Education, Children's Services and Skills (Ofsted), and by a number of professional and statutory accrediting bodies, are also readily available.

UK institutions may find it harder to establish the credentials of their proposed overseas partners, especially where there is tension between public and private higher education providers, but should, nonetheless, make every effort to do so. The British Council may be able to help in some situations.

6.14

Some institutions will also be aware of the need to consider financial suitability, and there are several sources of information available to overseas institutions that seek them out. The annual financial statements of UK HEIs are published and usually available on their websites; the funding bodies publish details of their annual grants to institutions; and for those UK HEIs that are registered charities, their accounts also have to be filed with the Charity Commission. However, as indicated above, it is somewhat harder to find good authority for information on an institution's financial standing, which has led a few UK HEIs to secure a rating from the established rating agencies. An equally small number have become embroiled in major disputes with funding bodies leading to significant 'clawback' of funds, but these episodes have, in general, been given wide publicity in the news media. A final source of guidance worth considering is again the QAA, which UK institutions must inform if a collaborative relationship is terminated, but the reason for the termination may not be made public.

6.15

Many HEIs, though, will be largely unfamiliar with legal due diligence. This involves questions being put to the proposed partner, either by the other party or their lawyers, and regarding UK institutions, will include issues such as:

- The legal status of the institution – is it a Royal Charter Corporation, a body established by a specific statute, a company incorporated under the Companies Acts or a Higher Education Corporation established under the Education Reform Act of 1988?
- If a Higher Education Corporation, when it was awarded its University or University College title?
- Evidence of any change of name and approval of this by the Privy Council.
- Evidence that delivery of the objectives specified in the proposed partnership will be within the institution's powers. This is especially important with regard to proposals for the awarding of joint degrees (see Chapter 4).
- The procedure within the institution for authorising the partnership.
- Details of any claims or disputes involving the institution that might affect the partnership: for example, any pending legal action taken by staff, students or former institutional partners.
- Evidence of any permissions, licences, etc. needed to operate the partnership, such as those required from accrediting bodies.

Reviewing the results of due diligence

6.16

Due diligence should not be regarded as a tiresome formality but as a last opportunity to avoid future difficulties. The results should be reviewed, in the case of academic due diligence, by an individual and/or committee not involved in the proposal; in the case of financial due diligence, by the finance department, calling upon external professional advice if need be; and in the case of legal due diligence, by the institution's in-house lawyer and/or external legal advisors.

The impact of due diligence on the negotiation

6.17

The various due diligence reports should identify the seriousness of any issues identified and suggest how they might be addressed. Provided that they are not so serious as to stop the partnership from going ahead, most problems can be dealt

with by inserting suitable provisions in the partnership agreement, for example regarding indemnities, and/or adjusting the financial arrangements. Ultimately, the responsible body within the institution should be in receipt of recommendations which will ensure that all identified risks are suitably addressed and that the proposed partnership agreement can safely be signed.

Documenting the partnership

6.18

While there are no hard and fast rules about the documentation that should be drawn up in order to place a new collaborative venture on a secure footing, there is a wealth of experience to suggest what constitutes good practice and how best to avoid the pitfalls that others have encountered. Knowledge of this will be a helpful guide to staff responsible for taking the partnership proposal forward and should assist them in briefing those charged with actually drafting the paperwork. Regardless of whether the prospective activity is a franchise, a progression accord or a joint venture for purposes of teaching or research, it will be necessary to set out the detailed contractual terms agreed for the collaboration in a legally binding agreement, and this will need to be signed off prior to commencing operations.

Memorandum of understanding (MOU)

6.19

Once prospective partners have worked out the basic framework for their collaboration, the key principles of this should be set out in a MOU, sometimes referred to as 'heads of terms'. This document may or may not be legally binding, but it helps to ensure at an early stage that the institutions involved both envisage the same outcome from the proposed collaboration and that any potential deal-breaking difficulties are raised as soon as possible. This is not intended to be a document that goes into fine detail, so squabbles over precise wording need to be avoided if at all possible.

6.20

A distressingly large number of MOU's fail to get developed into substantive proposals and this has led some institutions to set strict time limits on those they sign so as to encourage immediate follow-up. Likewise, because of what such documents are committing the signatories to, many UK HEIs will now insist that they should be signed-off at a senior level, usually by the relevant pro vice-chancellor or vice-principal, rather than by a departmental representative. It is important, however, to balance the risks associated with undue haste against the need to maintain momentum. It is also vital not to lose the enthusiasm of those who will have to make the collaboration work on the ground, and to keep them informed and involved as the legal formalities are taken forward.

Confidentiality and exclusivity agreements

6.21

Senior managers will often want to follow up the MOU with measures designed to preserve the confidential nature of what is being negotiated or of information being exchanged in the process. From a legal standpoint, it is actually arguable what weight a confidentiality agreement carries, since such documents can be difficult to enforce; but experience suggests that a confidentiality agreement can nevertheless help to focus the minds of the parties on having proper procedures in place to protect the confidential information that each party will be divulging to the other during the due diligence procedure. Confidentiality agreements are also sometimes used to reduce the possibility of either party poaching key personnel from the other.

6.22

In certain circumstances it may also be desirable to ensure that the prospective partners do not enter into any negotiations with other parties that could have an impact on the transaction; but an exclusivity agreement intended for this purpose will require careful drafting if it is to be legally binding. For example, whilst an agreement not to negotiate with others should be enforceable provided its terms are sufficiently precise, a simple 'agreement to negotiate' is unlikely to bind the parties.

Collaboration agreement

6.23

The key document for regulating the terms of the proposed partnership, though, is the collaborative agreement itself. As the QAA reminds us in its Code of Practice: “Partnerships are more likely to succeed when all the partners fully understand their rights and responsibilities.”⁹⁷ Those negotiating any collaborative agreement will therefore need to pay attention to a wide range of issues, including but by no means limited to such issues as operational viability, legal jurisdiction, taxation and other liabilities, payment terms, dispute resolution, and exit strategies.⁹⁸ In addition to these key contractual areas, an agreement regarding collaborative provision between prospective partners must also take account of the somewhat longer and more precise list provided as part of the explanatory notes to precept A10 of the code.⁹⁹

6.24

Perhaps the most contentious of these issues is that of agreeing what body of national law the partnership should be governed by and in which courts any disputes will be determined. Legal advice to UK institutions will invariably insist that all international collaborative agreements should be subject to the laws of England and Wales (or of Scotland or Northern Ireland for those HEIs established in those jurisdictions). Almost as frequently, overseas partners will want to see precedence given to their own legal systems. Obviously, if neither side is prepared to shift its position then collaboration is doomed, so this stand-off needs to be resolved at an early stage. The parties might, for example, agree to be governed by the law of the country in which most of the collaborative activity is to take place; or failing that, agree to an escalating schedule of conflict resolution measures culminating in binding arbitration in a third-party jurisdiction.

6.25

However this and similar issues are eventually dealt with, the need for a comprehensive agreement covering all aspects of the relationship and anticipating all future scenarios that might reasonably be anticipated should be self-evident. Painful experience has clearly demonstrated that what many academic colleagues may regard as an overly prescriptive and bureaucratic process is in fact the only reliable means of minimising (if not wholly eliminating) the risk of protracted and costly legal wrangling if the collaborative relationship turns sour. Conversely, if the principles and operational requirements set out in the collaborative agreement can also be grafted into the culture of international activity across both institutions, then the partnership is likely to proceed and prosper on solid foundations.

Intellectual property rights

6.26

Two of the of the key issues referred to in Precept A10 are the need (1) “to be secure in respect of matters relating to copyright and intellectual property rights”; and (2) to have arrangements in place “governing the use of [an] awarding institution’s logo” including oversight by that institution of “public information relating to the collaboration and associated promotional activity”¹⁰⁰.

6.27

Generally speaking intellectual property (IP) created by the employee of a UK university will vest in that university, although this position can be varied by the employee’s contract of employment and the institution’s own policy on how IP produced within the university environment will be owned, and what can and cannot be done with it. In most cases, such policies will also deal with IP created by students, visiting academics and individuals holding honorary contracts with the institution.

⁹⁷ *Code of Practice for Collaborative Provision*, p. 34.

⁹⁸ See Eversheds LLP, *International Partnerships: a legal guide for UK universities* (July 2009). Also useful is Kathleen Kwan, *Good Practice: Contract Negotiation for Transnational Higher Education* (OBHE, August 2005), sections 3 and 4 *passim*. The full text is available online at http://www.obhe.ac.uk/documents/view_details?id=38 to Observatory subscribers.

⁹⁹ *Code of Practice for Collaborative Provision*, pp. 34-6.

¹⁰⁰ See: <http://www.qaa.ac.uk/academicinfrastructure/codeofpractice/section2/default.asp>

Student-generated IP, for instance, will normally be the property of the student and IP arising from the creation of scholarly materials (such as textbooks, theses, conference papers, etc) will normally be owned by the person who created such materials.

6.28

Against this general backdrop, overseas institutions need to be aware that the charitable status of most UK HEIs may constrain what they are able to do with their IP, as might arrangements entered into to secure funding for research. Moreover, in the context of a joint venture between two HEIs, factors such as what IP each will be bringing to the project (including their brand) and the balance of work to be undertaken between them will also be important when it comes to determining who will own any new IP created from their partnership.

6.29

The forms of IP most likely to be created out of teaching collaborations are copyright in teaching materials and 'know-how', though in some situations trademarks might also be relevant. For example, if a particular course or project is branded in any way, then the partner institutions may create a trademark for it. With respect to research collaborations, there are a number of IP rights that might arise. For instance, any written materials and diagrams produced will benefit from copyright protection; any new inventions may be patentable; and new designs may be protected by design rights. Likewise database rights may protect results recorded in databases and there will doubtless be know-how arising from the project as well.

6.30

The permissible use of IP already owned by each institution at the beginning of the partnership, often referred to as 'background IP', needs to be specified in the collaborative agreement (or in a parallel IP agreement), with both parties asserting that they intend to retain their rights in such IP. If the institutions need to be able to use each other's background IP during the course of the partnership, then explicit cross-licensing rights will need to be established.

6.31

More problematic is the question of who should own any new IP created as a direct result of the collaboration. One approach is that the institutions should own such IP jointly, which seems to be in keeping with both the spirit of partnership and the principle of mutual benefit. The joint ownership of IP can lead to problems in the future, however, and many lawyers advise that it should be avoided where possible. Certainly, before agreeing to a joint-ownership solution, prospective partners should carefully assess the potential consequences and anticipate the problems which might arise. For instance, where IP is jointly owned, each institution will normally need to obtain the other's consent before transferring or licensing it; and any disagreements arising in relation to the use of such IP can easily escalate into formal disputes.

6.32

Ownership of IP can be both administratively and financially burdensome. If, for example, the IP is protectable by way of registration, such as a trademark for a course or set of teaching materials, then the institutions would need to decide who will be responsible for registering and maintaining it, including the filing and other costs involved. They should also work out how they are going to deal with any infringement claims. In light of this, where one of the partners simply requires the ability to use the IP created from the project, then obtaining a licence to use the materials from the other may prove a cost-effective alternative to ownership, though the scope of such a licence and the rights granted by it will need to be the subject of careful consideration and drafting. A further advantage of this approach is that both parties can use the IP without the need to seek consent from the other.

6.33

If, notwithstanding the potential difficulties, joint ownership is eventually agreed upon, the collaboration agreement should clearly set out: (1) which institution will be responsible for registering and maintaining any registrable IP; (2) which partner will manage any claims that arise in relationship to such IP; (3) who will pay for any associated legal fees; and (4) what will happen if one institution wishes to pursue a

legal claim in connection with the jointly-owned IP and their partner does not. The partners should also agree how to handle any IP that is created by the collaborating teams after the research project commences but independently from their joint endeavour (often referred to as 'sideground IP'). Of course, at the beginning of a new project, the participating institutions cannot be certain what IP will come out of it, and this frequently leads to a provision being inserted in the collaboration agreement committing the partners to negotiate the ownership of such IP at a later stage. However, under English law this type of arrangement is known as 'an agreement to agree' and is unenforceable. It is therefore always preferable for the institutions to set out the IP provisions in terms of ownership and licensing rights, etc. before the project commences.

Conclusion

There is a strategic shift underway in UK higher education in terms of international collaborative activities. No longer is it just about international student recruitment, but about forging long-term, sustainable partnerships, as highlighted in the Foreword and Executive Summary to this Guide.

It is hoped this guide provides a starting point for potential overseas partners wishing to establish collaborative activities with UK universities. While it covers the main points to consider, it is by no means a comprehensive guide to international collaboration and further advice and information will be required on both sides to take activities forward.

What it does do, however, is set the scene and make overseas institutions aware of the range of opportunities open to them with UK partners, hopefully encouraging a greater level of collaborative work at all levels and in all fields.

Successful partnerships rest on a number of key factors, not least the willingness and commitment of all those involved, but there are other tangible markers that should be met. These include:

- Successful partnerships are formed from a sound financial basis. Both overseas and UK institutions should enter a collaboration with the financial backing required to ensure it is successful and with the assumption that there will be some shared financial risk.
- Both sides of the partnership should understand fully the regulatory environment in which they are operating. Thorough due diligence and an understanding of the laws that govern partnership activities is a must to ensure a successful collaboration. Despite extensive changes to the visa and immigration system in the UK, provided partner institutions are fully aware of the various schemes outlined in Chapter 3 of this report, there should be nothing in UK immigration rules to prevent the development of new partnerships or prejudice the continuation of existing ones.
- Partners should be clear from the outset the type of partnership that will occur between the institutions: a staff and student exchange programme, a joint degree or course validation? Setting realistic goals understanding what is expected from both sides will avoid confusion later down the line.
- Maintaining quality and reputation are fundamental. UK institutions pride themselves on their strong global reputations for delivering high-quality programmes. A successful partnership must adhere to the same standards as any other activity undertaken and HEIs will seek out partners of a similar standing, with matching interests and commitment to ensure reputation is assured.

Governments around the world now recognise higher education and research as major economic drivers and the future for creating highly skilled knowledge economies. With this in mind, they are encouraging and supporting the development of partnerships, thereby significantly increasing the opportunities to collaborate on a range of different levels and across a broad spectrum of fields.

Ultimately, it is every higher education institution's goal to be able to offer world-class teaching and research opportunities to both students and staff and international partnerships are one of the key drivers in achieving this success.

The UK HE International and Europe Unit would like to gratefully acknowledge the support of the Department for Business, Innovation and Skills in the production of this report.

We would also like to thank the following for their expert advice:

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July 2011
ISBN 978-1-84036-257-2
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About the UK HE International and Europe Unit

The UK Higher Education International and Europe Unit is a central intelligence and policy coordination unit on higher education, internationalisation and European policy for UK higher education institutions. It is funded by the Higher Education Funding Council for England, the Scottish Funding Council, the Higher Education Funding Council for Wales, the Department for Employment and Learning (Northern Ireland), Guild HE, the Quality Assurance Agency and Universities UK.

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