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**University Outcome Agreements and Legislative Duties:
Opportunities and Threats for Equality and Widening Access**

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My starting point is that legislation can create new opportunities, but it can also create new threats. It can place issues such as equality and widening access on people's agendas and make sure they are taken seriously; but it is a blunt instrument which can also distort these issues in the process. I will argue that current legislation, and the outcome agreements and widening access agreements which it covers, create at least four opportunities which we should exploit; but corresponding to each opportunity there is a threat to be minimised.

These opportunities are:

- The opportunity to develop a collaborative approach to widening access
- The opportunity to promote a more joined-up approach to issues of access, inclusion, equality and diversity
- The opportunity to create a knowledge base for improving policy and practice
- The opportunity to change cultures.

The first is **the opportunity to develop a collaborative approach to widening access**. The prospect of legislation has already stimulated universities into collaborative action, even if this is partly concerned with minimising the perceived negative consequences. And outcome agreements and widening access agreements have stimulated discussion about how we can work together to promote access: after all, that's what we're doing today. So I hope it's not fanciful to see in these developments a new opportunity to develop a collaborative approach.

The corresponding threat, of course, is that outcome agreements negotiated with individual institutions will merely create division and competition between universities, and encourage more buck-passing between universities and schools or other stakeholders. We must not end up with a zero-sum game in which universities compete for a small pool of well-qualified students from disadvantaged backgrounds, as seems to be happening in England.

Outcome agreements, therefore, need to recognise the collective contributions which a university may make through such programmes as the Schools and Higher Education Programme. If one university's efforts encourage an MD20 learner to apply to higher education, but at a different university, this should be counted as a success.

However, we can only collaborate if we agree on purposes. And here is a debate we need to hold. Is the main goal to achieve a more equal spread of students from different backgrounds across universities? Or is it to widen access to higher education as a whole? We should try to do both but, at least on the margins, they are competing objectives. The international evidence shows that many countries which have widened access have done so

by maintaining a diverse system, in which some institutions are particularly attractive to students from under-represented groups. The price these countries pay for wider overall access is a less even distribution across institutions. My own answer to this dilemma is a more pluralist HE system, with many dimensions of diversity and not just a single hierarchy of institutions. This may be easier said than done. Linda Croxford and I have been analysing UCAS data on admissions to UK higher education as part of a Nuffield Foundation project. If I had to summarise our findings in two short phrases, they would be the persistence of social inequalities in participation and the strength and stability of institutional hierarchies in higher education, including in Scotland.¹

Outcome agreements should also encourage universities and schools to work together. It is true that much of the social inequality in access to higher education, at least among young people, reflects unequal attainments of school qualifications. But that is no excuse for the blame game that sometimes breaks out between universities and schools. In any case, when universities blame schools for inequalities in access they are missing the point. I have been studying Scottish education for nearly four decades and one clear message from that research is that universities have a massive influence on what goes on inside schools, often exercised unintentionally and even unconsciously. Universities and schools need to recognise this interdependence and work together, and outcome agreements should encourage them to do so.

They should also anticipate new challenges. Curriculum for Excellence has inclusive and progressive aims, but it wants to make the education system more diverse, and a diverse system can very easily become an unequal one. The Senior Phase could potentially result in new inequalities within and between schools; whether or not it does so will depend partly on how universities treat it in their admissions policies.

This leads me to the second opportunity created by outcome agreements: **the opportunity to promote a more joined-up approach to issues of access, inclusion, equality and diversity**. The fact that a single agreement will cover all aspects of a university's practice provides a wonderful opportunity to develop a more holistic approach: to link equality and diversity with widening participation, to link access with retention and progression, and to link responses to poverty and social disadvantage with the drive for equality in relation to protected characteristics.

Again, there is a corresponding threat: that widening access agreements, by relying on specific numerical targets, and by focusing on 'under-represented socio-economic groups', may lead instead to a narrower and more fragmented agenda.

There are lots of issues here. To what extent should agreements rely on the Scottish Index of Multiple Deprivation? SIMD is a very useful indicator, not least because we can identify over- or under-representation without having data on non-participants – at least at the

¹ L Croxford and D Raffe (2013, in press) *Social and ethnic inequalities and institutional differences in entry to UK higher education (1996-2020)*. CES Briefing No 61, Centre for Educational Sociology, University of Edinburgh. L Croxford and D Raffe (2013, in press) *Participation in full-time higher education 1996-2020: a 'home international' perspective*. CES Briefing No 62, Centre for Educational Sociology, University of Edinburgh. Both Briefings will be available at: www.ces.ed.ac.uk.

national level. SIMD is the basis for many of the main headline findings from today's *Measures of Success* report²: for example, that the proportion of mature university students from MD20 addresses increased slightly in 2011-12, but there was negligible change among under-21 students. However, SIMD is only an indicator, and it needs to be used alongside other indicators. In the last analysis where you live is not the most important determinant of your educational opportunities. And a residence-based measure is open to abuse.

SIMD focuses on social disadvantage, but if we are concerned with inequality we also need to examine social advantage. The inequalities are at least as great at the more advantaged end of the spectrum. Another striking finding from our Nuffield project is the extent to which students from independent schools are concentrated in the older, and especially ancient, universities. Of course, it is a matter of opinion whether this reflects 'advantage'. Do independent schools really advantage their students by, apparently, discouraging them from considering half the opportunities in higher education?

And we need to consider the range of protected characteristics alongside social advantage. The ethnic diversity of Scotland has increased dramatically in just a few years. How are our universities responding? Today's *Measures of Success* report confirms that the proportion of students from non-white ethnic groups is continuing to increase. But once again, we need to place the monitoring data in a wider context. They tell us about ethnic minority students who enter Scottish universities but not about those who do not. Here's another finding from our Nuffield project: among Scottish-domiciled entrants to university in 2010 those from Asian backgrounds were twice as likely as white students to enter universities elsewhere in the UK. Blacks were three times as likely. These ethnic differences had become wider since the 1990s. They reflected differences in applications as well as entry, and they could not easily be explained by subject choices or by differences in social background. So why do some ethnic minority students apparently find Scottish institutions less attractive? We need to be able to understand the trends and patterns that lie behind the data used for setting targets and monitoring performance in outcome agreements.

This leads me to opportunity number three: **the opportunity to create a knowledge base for improving policy and practice**. Over the past few years there has been a shift in emphasis in the Funding Council's data-collection, from information on the activities it funds towards information on the outcomes of those activities. The *Measures of Success* reports are a reflection of this shift, and so is the work of the Access and Inclusion Committee. Outcome Agreements, almost by definition, continue that trend; they seem to provide an opportunity to develop a richer knowledge base that will support more evidence-based policy and practice.

But will they? The corresponding threat is we collect information for monitoring outcomes, and perhaps for contextualising those outcomes, but not the richer evidence needed to understand how to improve policy and practice. Despite decades of experience our knowledge of the effectiveness of possible interventions is still hazy. It is a big step from knowing the outcomes of an intervention towards knowing what impact it has had on those outcomes. And it is an even bigger step towards knowing why it has or hasn't had an

² Scottish Funding Council (2013) *Learning for All: seventh update report on measures of success*. www.sfc.ac.uk/learningforall.

impact, or how it could be helped to do, or whether its objectives were realistic in the first place.

The legislation provides for the supply of data on 15-25 year-olds to Skills Development Scotland. The main purpose is to facilitate service delivery for the individuals concerned. It is not clear to what extent the data can be used for general monitoring, let alone for the more fundamental research which is needed. England has, and Wales is developing, good longitudinal individual-level data on the progress of cohorts of young people through and beyond secondary schooling, including those who do and do not participate in higher education. Scotland does not at present have such data. If we want outcome agreements to be credible and legitimate they must be based on better evidence than is currently available. I hope they will create a momentum for demanding such evidence, and for creating the knowledge base to underpin it.

The fourth and final opportunity is to change cultures. This is implicit in everything I have said so far and I have little to add, except that wider access has never had as high a profile as it currently enjoys, and this is an opportunity we must exploit. The corresponding threat, of course, is that outcome agreements merely encourage compliance: equality and widening access become boxes to be ticked rather than values and a vision to champion. Cultural change is always slow, but it is possible. I hope we continue to move towards a position in which greater collaboration, a more holistic strategy and evidence-based practice can all be part of a new culture of Scottish higher education.

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