

# HE Bill Overlooks Postgraduates

## Martin Gough unravels the Teaching and Higher Education Bill

The *National Postgraduate Committee* has analysed the Commons debate on 16 March on the second reading of the Teaching and Higher Education Bill, from which it passed to Committee stage on 31 March. The main parties seek to amend the Bill as regards funding for undergraduate study such that, respectively, grants are ultimately abolished, or there is personal liability for tuition fees, or both. I suggest that you read the below on the context of the separate *Green Paper on Lifelong Learning* statement, "we will make provision for the highest level of postgraduate education" (*The Learning Age*, chap 2 sec.1, para.2.3; the next NPC meeting, over the weekend of 15-17 May at Bath University, will discuss the Paper).

Our overall conclusion is that issues specific to the area of postgraduate education are, so far, overlooked. The debate concentrates upon the issue of funding for studies and it is this area which is most pertinent to equal opportunity of access to postgraduate education.

Greater debt liability upon individuals, such as through responsibility for their own maintenance costs and the charging of tuition fees, in undergraduate education is one issue. We understand the stance of the Secretary of State and his supporters that access can be opened up in the sense of increasing student numbers most cheaply, if there is less state support for each student. The Government's preferred solution may or may not turn out to be a disincentive for capable people to enter Higher Education, from low-income and other backgrounds. Our expectations are

that individuals from lower income backgrounds will be deterred more than those from well-off backgrounds but it may be that only time will reveal the outcomes.

Whilst the undergraduate student perspective has received much attention, the question of access, particularly for those from less well-off backgrounds, remains for postgraduate study. Occasional mentions of postgraduates in the debate apparently by supporters of the Secretary of State [e.g.; Gordon Marsden, col.1009; David Chaytor, col.1029] (rightly) mention that it has always been the case that most postgraduates have contributed financially to their own studying, with the (unwarranted) implication that undergraduates should be encouraged to do more so. But this misses a vital point. This is that the prospect of additional debt carried through undergraduate study and accumulated further over more years of postgraduate study is likely to be an additional disincentive for many people interested in and most suited to the postgraduate level of education. The real postgraduate issue is raised once, early on in fact, in the debate, by Hilton Dawson [col.965]:

"...Does [the Secretary of State] also accept that... students wishing to undertake postgraduate studies, with the aim of attaining higher qualifications and pursuing academic careers, are worried about the level of debt with which they may be faced?"

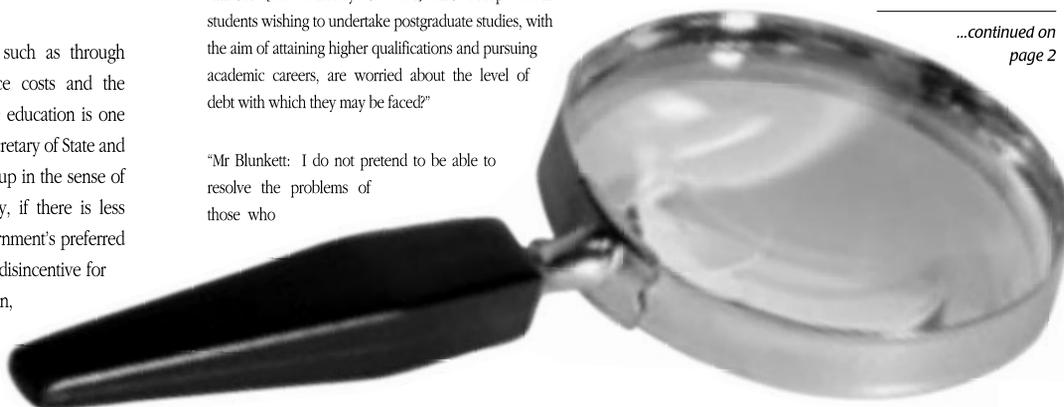
"Mr Blunkett: I do not pretend to be able to resolve the problems of those who

are committing themselves to postgraduate study. They make a calculation about additional income and additional opportunities.... there are greater opportunities for those with postgraduate qualifications. A number of ladders are available to those who go into higher education, and graduate and postgraduate students have the opportunity to enhance their chance of getting a quality job that they can enjoy doing."

In other words, the Secretary of State is initially, albeit following the lead of the *Dearing Review*, effectively absolving himself of responsibility for funding problems that beset postgraduate study; he then continues by lumping postgraduates in with an undifferentiated category of H.E. students in general, which still misses the vital point, which is the particular impinging upon postgraduate study of his proposals for undergraduate study.

Let us assume, for the sake of argument, the best case scenario for the Secretary of State: access is opened to more individuals from low-income backgrounds; all undergraduate students incur larger debts than at present; and on graduation as many as possible obtain decently paid

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## Can You Help?

**Ruth Chandler** presents an important Call for Evidence on behalf of the NPC

The NPC's *Equal Opportunities and Access Sub-Committee* is looking for evidence to feed into two NPC responses: the *DfEE's Select Committee for Post 16 Education* and the *Green Paper on Life-Long Learning* respectively. The sort of evidence needed, although not exclusively so, is statistical data which address the following questions.

- 1: What is the social composition of the postgraduate student body at your H.E.I.?
- 2: What is the social composition of postgraduates receiving research grants or bursaries at your H.E.I.?
- 3: Are there big differences between the composition of the above and the composition of part-time fee paying students?
- 4: Are their noticeable differences between the social composition of postgraduates and/or their full-time/part-time registration in subject specific areas?
- 5: What are ex-postgrads from your HEI doing now?

This sort of data, at undergraduate level at any rate, is often already processed along Equal Opps/Access dimensions by H.E.I.'s and is usually either held by Registry or Admissions or is a formal part of their Annual Monitoring procedures. However, I am not holding my breath that the same situation will exist across the board for all postgraduates! If you find that this sort of information does not exist at your H.E.I. or you can only answer one or two questions, I am still interested in hearing from you. I am currently working with the premise that a demonstrable lack of evidence will be the best evidence for this response!

Additionally, if your Postgraduate Society or Students' Union has already collected any information which you think might be useful (e.g. questionnaires or surveys either relating directly to the above or which could be linked as supporting evidence) then please send to the address below even if you are not sure how relevant it might be.

It would be very helpful when sending your response, if you are able to state what sort of H.E.I. yours is — i.e. old/new, large/small etc and, most important for these purposes, its classificatory status e.g. University/University College etc.

Many thanks, in advance, for all contributions to this research.

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jobs suitable for graduates, so that they can pay off their student loan debts as quickly as the system permits. On this scenario, however, there will still be postgraduate students.

Some professions outside Higher Education require vocational postgraduate courses tailored for entry into employment. For those professions where both employment prospects and expected salary levels are good the Secretary of State may or may not turn out to be right that most individuals would be prepared to withstand another year or so of accumulation rather than diminishing of

postgraduates fund their own studies, particularly part-timers. Part-time study towards a Doctorate takes significantly longer than the full-time route.

There are many reasons why individuals go into postgraduate study. Some do so purely as a stepping stone into a well-paid career. It is true to say, however, that postgraduate research contributes to the body of knowledge available to the whole of society and some wish to partake in this. The long period of postgraduate research study is also the career step into Higher Education. Those who teach and research in Higher Education are responsible for the degree courses of all graduates. The standards of teaching and the knowledge produced in Higher Education therefore shapes

*“...the prospect of additional debt carried through undergraduate study and accumulated further over more years of postgraduate study is likely to be an additional disincentive for many people interested in, and most suited to, the postgraduate level of education.”*

personal debt. Fears about these types of student and those in analogous situations are expressed in the debate, nonetheless. There are courses where a three-year degree scheme is expected to be supplemented by fourth or more years, such as an M.Chem., medical, dental, veterinary, architecture, B.Ed. and PGCE studies, and the fourth year of the Scottish institutions' degree, each of these examples attracting more or less support than the next under the current proposals [e.g.; Brian Iddon, col.1018; Andrew Welsh, col.1021; Andrew Lansley, col.1027; Don Foster, col.1031-2].

These examples offer just a glimpse of the problems other individuals face in funding their postgraduate studies, however, problems which tend to be like the above examples but compounded many-fold since such postgraduates have to study for even longer than the above. Many are expected to and choose to embark upon postgraduate research study. The basic State Studentship scheme, the main scheme for support of Home postgraduates in full-time study, provides for maintenance income hardly more than half of the £10,000 stipulated as the annual income threshold above which the student loans are expected to be paid back. In most disciplines a successful and speedy period of postgraduate full-time study would be four years, obtaining a Masters and a Doctorate Degree. It is normal, if not desirable, to take longer than this period even as continuously registered full-time.

Those supported by the State Studentship scheme are, compared to a large cross-section of the postgraduate body, a fortunate minority. Only around a quarter of full-time research students are funded by the scheme and only around a half of postgraduates are full-time. Just under a half of

the country's long-term educational standards at all levels. However, employment prospects are generally not good and job security is low for those entering the academic profession, and this is aside from its being one of the worse paid professions.

Take the position of talented individuals from the lower-income backgrounds who graduate with a large debt due to the Government's current proposals. They might assume that they can manage to carry their debt through four or more years of postgraduate study, and accumulate much more debt if they have to support themselves while studying by a loan (loans for non-PGCE postgraduates are available only at commercial interest rates). Such a course of action would prejudice against their opportunities of developing their spending power until a later stage in their lives. They might well choose instead to aim for one of the better paid professions or areas of employment, and immediately upon graduation too.

There is always likely to be demand for postgraduate course places, and to be desire to enter the academic profession. The question remains whether those places and jobs will be filled by a representative cross-section of society or whether only dedicated individuals with additional personal or family wealth will be in a position realistically to aim for such places and jobs. We judge that the Government's current proposals for funding undergraduate study will further limit access to postgraduate study, particularly to those from lower-income backgrounds.

*Martin Gough is the NPC General Secretary.*



# Complaints and Codes of Practice

**Don Staniford** presents a preliminary outline of an ongoing project on postgraduate complaints procedures

In the post-Dearing era, the subject of 'complaints' is topical and inherently controversial. A recent conference addressing *Complaints Management in Higher Education* and a report on complaints by the *Committee of Vice Chancellors and Principals* (CVCP) published last month are symptomatic of the surge of interest in student complaints. Given the rising tide of litigation and wave of student complaints, institutions cannot afford not to take complaints seriously. Without action, further cases are not just likely, they are inevitable (Hocking: 1997). The law of higher education is a serious business (Farrington: 1994, Palfreyman and Warner: 1997)

The *Quality Assurance Agency for Higher Education* (QAAHE) has been charged to develop 'a fair and robust system for complaints relating to educational provision.' Institutions, too, have been given two years to 'amend their arrangements for handling complaints from students to ensure that: they reflect the principles of natural justice; they are transparent and timely; they include procedures for reconciliation and arbitration; they include an independent external element; and they are managed by a senior member of staff.' If they do not do so, the financial implications are frightening. For the purveyors of higher education such talk is tantamount to scare-mongering. As Lucy Hodges explains:

"With the following sentence, Sir Ron Dearing sent shivers down universities' spines: 'The funding bodies should be enabled to withdraw funding if the complaint is upheld and appropriate remedial action is not forthcoming.'"

(*The Independent*: 28th August, 1997)

Provided that institutions possess effective complaint procedures and provided Dearing's recommendations on quality assurance are implemented properly, the sector has nothing to fear. That is a big proviso: 44% of institutions do not have complaints procedures (Farrington: 1996). At the same time, the development of codes of practice, student charters and so-called 'contracts' has reflected the changing climate whereby the student is viewed as a consumer of a

quality product. Higher education institutions are increasingly aware of the need to deliver high-quality services, responding to the needs and demands of customers.

The QAAHE has a vital role in developing codes of practice which institutions must subscribe to as a condition of funding. The postgraduate code will be the first in a series of codes. Certainly, power is being divested in the hands of student stakeholders in a momentous way:

"Consumers, customers, stakeholders. Whatever word is used - and they are all pretty unattractive to the providers of higher education - power is moving their



way - In short, higher education is now a large-scale service industry and customer care is moving up the agenda fast, however much such managerial expressions may offend those committed to traditional academic values - Times have changed. Service providers who ignore the demands of their clients go bust."

(Anon: 1997)

The customer may always be right but there is a long way to go before students, especially postgraduates, are afforded equal rights in relation to both complaint procedures and codes of practice.

## ***The Postgraduate Perspective: The Reality Behind the Rhetoric***

There already exists an array of 'guidelines', 'codes' and 'handbooks' available to guide postgraduates through

academic life (NPC: 1992, Blaxter et al: 1996, Cryer: 1996, HEQC: 1996, Greenfield: 1998). There are also more specific 'good practice guides' on the handling of 'complaints' (Citizen's Charter: 1995) and 'supervision' (Delamont et al: 1997). This article delves deeper beyond the theory and paints a practical picture of complaints from a postgraduate perspective. In so doing, it is provocative in daring to suggest that there are a host of problems and parasitic student-system relationships out there. Increasing numbers of postgraduates are complaining about their courses - their content, teaching, marking or supervision. In fact, in a recent court case twelve postgraduates were awarded £2000 compensation for the 'bungled administration' of their course (McLaren: 1997). In another case, a PhD student issued a writ for damages exceeding £50,000 (THES: 1.8.97). Such is the harsh financial reality of a consumer society.

In utilising both primary data via questionnaire survey results and documentary evidence such an exercise can provide an illuminating real-world view beyond the grey rhetoric of the literature. It is concluded that, behind the theory that current systems of complaint are operating successfully, there exist a plethora of postgraduate problems which in practice symbolise systemic failures. If these postgraduate problems are left to fester in a climate of apathy and denial, there must be question marks over the future quality of postgraduate education. Postgraduates are used to working in isolation. Indeed, independence and original thought are the hallmark of postgraduate research. But it is altogether more worrying when postgraduate education as a whole is ignored by the academic and policy community (Gillon: 1997, Hinde: 1998). If the focus is applied to the subject of 'complaints' and 'codes of practice', postgraduates find themselves discriminated against further. As Dr Dennis Farrington — author of *The Law of Higher Education* — comments:

"There is a particular difficulty in the area of postgraduate appeals and complaints and I think that

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there would be merit in commissioning further work with the aim of producing explicit recommendations in this field."

(Farrington: 1996)

There still exists an information and implementation deficit in the area of postgraduate complaints. There is a policy vacuum in many cases. Thus we have a growing body of disenchanted postgraduates who find themselves disenfranchised by the decision-making process as far as both complaints and codes of practice are concerned. 'Shut up and write up' is the traditional response from institutional and vested interests. Postgraduates invariably find themselves whistling in the dark, pissing in the wind (A N Other: 1996). The fact that an increasingly vociferous band of postgraduates are making themselves heard speaks volumes for the efficacy and suitability of current channels of complaint.

**Complaints in Practice:  
Internal and Infernal Complaints  
Procedures**

Like much else in the realm of complaints and appeals, negotiating the gulf between rhetoric and reality is potentially hazardous for the student complainant. As an anonymous editorial concludes:

"In today's increasingly moralistic and controlling atmosphere, institutions that wish to retain control of their own policies need to make sure that everything they do will bear inspection. On complaints and appeals that is not yet the case."

(THES: 27.3.98)

The lack of publicity of existing complaint procedures is a particular worry. For example, a survey of over a thousand postgraduates conducted by the Union of Students and the Graduate Students' Association at the University of East Anglia (Laing: 1998) revealed that only 35% knew of the existence of the university's complaints and appeals procedures. This high level of ignorance — 65% — is alarming and perhaps explains why out of 18% of postgraduates who said they had wanted to complain only 3% actually lodged a formal complaint. It is within these internal procedures that the degrees of freedom and freedom of speech of the student are limited. Such is the logic of the 'internal complaints procedure' whereby complaints are systematically internalised. As Gerry Glyde, Advice Services Manager at the *University of Kent at Canterbury Students' Union*, points out:

"Quite often it appears that postgraduates desist from making formal complaints during their course. This is to avoid confrontation with the limited number of academics that research students have to work with."

There are also more structural reasons for the absence of student complaints though. Through 'internal complaints procedures' students are actively or tacitly discouraged from voicing concerns. Complaints concerning inadequate

supervision are unlikely to be taken up, for instance, if the first port of call for complaints is the supervisor or the head of the department who has the responsibility for hiring, appointing and training supervisors. Institutions tend to couch this lack of publicity and democracy in disingenuous language:

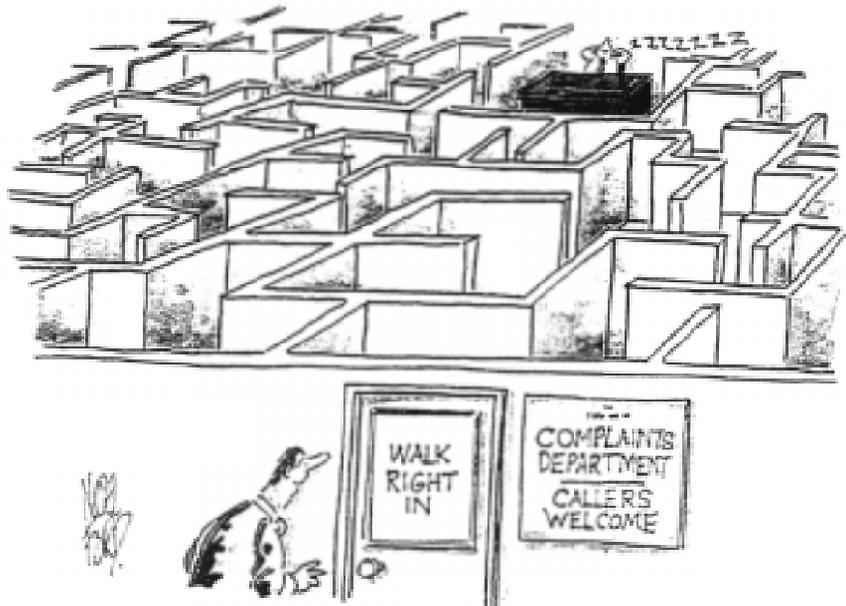
"When you create a clearer means of complaint procedure you necessarily increase dramatically the number of complaints, and that costs money."

(Professor David Warner — co-author of *Higher Education and the Law* — as quoted in *THES*: 10.4.98)

Complaints are expensive to deal with and it is not surprising that a culture of compliance rather than one of complaint is fostered. In the present financial crisis, the complaints system is not only broke it is also broken. Keeping the lid on complaints can, however, only serve to accentuate bad

- fair, with a full and impartial investigation
- confidential, to maintain the confidentiality of both staff and complainants
- effective, addressing all the points at issue, and providing an appropriate redress
- informative, providing information to management so that services can be improved

Moreover, for postgraduates there is an important distinction to be made between 'complaints' and 'appeals' procedures. The difference between the two procedures is crucial when dealing with complaints regarding 'supervision'. This is especially significant since 'supervision' is the biggest cause for complaint amongst postgraduates. In fact, the same survey at the University of East Anglia found that 61% of postgraduates cited 'supervision' as the main reason for complaint (Laing: 1998). As a protagonist points out:



practice and shield endemic failure from public view. Better to pay a little now that a lot later. 'Infernal complaints procedures' is a more apposite description of complaints systems in many insular institutions. Such 'too hot to handle' procedures can be found at the 'University of Armageddon' ([www.misendcentre.co.uk/armuniv/](http://www.misendcentre.co.uk/armuniv/)). In some cases, the existence of complaint procedures which are not publicised is worse than none at all. Certainly, the quantity and quality of complaint procedures varies between institutions. Preliminary results of a survey of UK Universities reveals that the major fault of complaints procedures lies in their lack of externality and hence objectivity. Unnecessary and protracted time delays are also cited as evidence of 'infernal complaints procedures'. In any case, for many institutions, the systems currently in place for dealing with student complaints are a world removed from "effective complaints systems" (Citizen's Charter: 1995) which should be:

- easily accessible and well-publicised
- simple to understand and use
- speedy, with established time limits for action, and keeping people informed of progress

"On the academic side, the area in which the largest number of institutions and the largest number of direct complainants identified problems is that of quality of teaching and supervision, with most institutions listing this category mentioning supervision of research students as a particular problem area."

(Farrington: 1996)

Another survey of political science postgraduates revealed that 12% of postgraduates rated their supervisor as only 'fair' whilst a further 12% rated them as either 'poor' or 'abysmal' (Doyle and McGregor-Riley). These surveys suggest that in far too many student/supervisor relationships the support mechanisms provided by the institution, and thus the vital safety net to successful completion, is inadequate (Delamont et al: 1997). This is certainly backed up by more anecdotal evidence (McComb: 1997, Elliot-Major: 1997). The tendency for the freedom of speech of postgraduates to be restricted has important repercussions should they wish to lodge a complaint or appeal after the end of their studies. That is because, according to the powers that be, if a complaint about supervision is not lodged before the end of their course it cannot be dealt with via the appeals procedure. As

a result, complaints about inadequate supervision slip through the net. The distinction between complaints and appeals procedures is thus an all-important one:

"The greatest problem lies in separating complaints from appeals, particularly at the postgraduate level. There appear to be numerous examples of cases in which students who have failed the oral examination for PhD or been recommended for the award of a lesser qualification have subsequently raised complaints about the nature and/or quality of supervision. The second (1987) *Report of the CVCP Academic Standards Group* suggested that given the existence of procedures for complaint and redress during the study period (which should normally be dealt with as and when they arise) alleged inadequacy of supervisory and other arrangements during the period of study should not constitute grounds for appeal."

(Farrington: 1996)

In conclusion, a postgraduate must lodge a complaint about supervision in the first instance directly to his supervisor and then to the head of department, who hired, appointed and trained him. This complaint must be lodged before the student fails and more often than not before they realise the inadequacy of the quality or quantity of supervision. If they delay until after the viva voce the appeals procedure allows no scope for complaints concerning supervision. It is as simple and as difficult as that. Such is the logic of the 'infernal complaints procedure'.

### **Courts of Appeal: Courting Trouble?**

Beyond the scope of internal complaints and appeals procedures there are further avenues of external complaint and appeal (NPC: 1995). For chartered universities that means appealing to the Visitor. Unfortunately (for students): "appealing to the Visitor can be too slow and too susceptible to the charge of favouring the university authorities" (THES: 27.3.98). In all too many cases the Visitor "has failed to provide anything like an adequate remedy" (NUS: 1997a). Other concerns include the fact that students are frequently unaware of their right to complain to the Visitor; the fact that students do not have recourse to the courts and cannot obtain state legal aid to take their case to the Visitor; and the fact that there is a clear lack of natural justice inherent in certain visitorial processes (NUS: 1997b). This court of appeal makes little appeal. As Dr Dennis Farrington confides:

"It is not the only difficulty with the Visitor system. Essentially the real problem is that the Visitor is a law unto himself/herself-There is no authority for compelling the Visitor to follow any set procedure in any given time-scale. I have seen an example of a student case against a chartered university taking years when if the student had attended a university only a few hundred yards away his case would have been disposed of through judicial review much more quickly. Any attempt to force the Visitor to act more quickly or to adopt different procedures would require leave to apply for judicial review and then a mandatory order, steps which could not lightly be undertaken without legal aid and for which it is doubtful that legal aid would be granted."

(Farrington, pers.comm)

Despite clarion calls to change the system "the Government has no plans to carry out such a review, nor has it any plans to seek to alter the existence, role, scope and jurisdiction of visitors" (Kempson, pers.comm). Such is the vassalage and vagaries of the Visitor system; a medieval system of justice that belongs in the Dark Ages (quite appropriate since those students who are forced to follow such a complaint course of action are kept in the dark and must wait ages). Again, in theory, such a procedure works effectively, is cheap, is quick and offers natural justice. In practice, however, it works only to serve institutional interests, costs a great deal in time and money and is only effective insofar as it shuts students up (Kingston: 1998). Moreover, Visitors have few written regulations and can throw out complaints on the often spurious grounds of 'academic assessment' (however arbitrarily defined). Students are playing by TINA's rules in this case; there is no alternative.

Even less do chartered universities want to change a system that is firmly loaded in their favour and protects their vested interests. For students at non-chartered institutions the legal regime is more clear-cut with avenues of appeal via the civil courts (Palfreyman and Warner: 1997). Nevertheless, there are caveats associated with any course of action, which involves losses in terms of time, money and academic reputation. A new report on student complaints by the CVCP promises to deliver improvements and strengthen existing complaint procedures via 'arbitration' (Tysome: 1998). Steps by the CVCP to assign an increasing role to arbitration must be welcomed but the student's fundamental right of appeal to the civil courts or to the Visitor must not be taken away. Proposals by institutions to introduce 'student contracts' for which students would forfeit their right to external appeal do not augur well for the safe passage of natural justice (Meikle: 1997). The NUS, for one, feels that any system of external dispute resolution should not exclude ultimate recourse to the courts.

### **Codes of Practice: Closing the Net?**

All complaints need not degenerate into 'infernal complaints procedures'. Prevention is surely better than cure. There are a number of proactive measures, which can be employed to treat the causes of postgraduate complaints and to avoid unnecessary costs to both the student and the institution. For the student, such a preventative policy can avoid the delays caused by prolonged complaints procedures and the institution can benefit in terms of higher completion rates and lower financial costs associated with dealing with less complaints. It is a two-way relationship much like a marriage. In the same way as a marriage breaks down, there exist other advisory measures such as mediation and arbitration. The existence of an independent or external element, such as an ombudsman or mediator, is vitally important in upholding the rights of students and ensuring that both sides are represented fairly. Codes of Practice, too, can operate in conjunction with complaint procedures so long as the two are integrated into a coherent and accountable policy framework.

Complaints are inevitably going to become more frequent and more newsworthy. Obviously, for both students and

institutions, it is much better to avoid them in the first place and keep them out of the courts. One solution is to close the loophole and introduce codes of practice with more explicit reference to complaint procedures. Ideally, complaints procedures and codes of practice should be integrated into one document; a document which can be used as a frame of reference for both student advice and conflict resolution. Codes can also set thresholds for minimum standards of supervision, research training, progress monitoring, and research facilities. Most codes spell out the responsibilities for both students and their supervisors. Adopting a legalistic perspective, this document can be viewed as a contract between the student and the supervisor, the student customer and the institution. The QAAHE's forthcoming *Code of Practice for Postgraduate Research* must help plug the information and implementation gap. Certainly, an enforceable and accountable Code that goes beyond permissive guidelines is urgently needed:

"We need a framework within which institutions and departments can effectively operate rather than shielding behind codes of good practice and meaningless bureaucratic mechanisms that have little to offer supervisors or their students."

(Burgess: 1997)

At a local scale, the NPC's *Guidelines on Codes of Practice for Postgraduate Research* (1992) can be used on a departmental and postgraduate level to bolster and strengthen existing structures. All that is required is for a member of the board to place the topic on the agenda of the next committee meeting. Get elected on the board yourself if you feel strongly enough.

### **Whistling While You Work**

Coming out of the complaints closet is never easy but there are several sources of assistance. For individual complaints, always consult your students' union as quickly as possible. Most will have advice units and an elected officer whose job deals specifically with complaints and appeals. Expert advice is essential at an early stage as there are often time limits within which complaints and appeals must be lodged. Always follow the procedures and the letter of the regulations. Where there is a lack of publicity surrounding existing complaint procedures or where there is a lack of procedures full stop there may be problems. Nevertheless, first consult your students' union and they will be best placed to assess the merits of your case and advise upon any complaint course of action. They may also be able to represent you and lobby on your behalf. As one student union adviser comments:

"As a direct representative of the fee-paying student body, the students' unions are in a position to lobby their institutions to provide simple, clear and standardised procedures for academic appeals and complaints."

(The Guardian: 14.10.97)

On a personal note, the advice is to look both forward towards successful completion and back to the cause of your

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# Postgrads and the DSS

**Martin Gough** discusses some of the changes being made to Social Security Regulations

The NPC has submitted a representation to the Secretary to the *Social Security Advisory Committee on The Social Security Amendment (Students) Regulations 1998*. As ever, we emphasise the postgraduate student perspective on the plans, since the implications would not all be the same as they would be for other students. I complement by background supplied kindly by **Anne Sims** (of NUS) and **Jamie Darwen**, and the NPC submission will be available for discussion at the next meeting.

## Background

The *Department for Social Security* (DSS) has referred the regulations to the *Social Security Advisory Committee* (SSAC) for consideration. The SSAC is responsible for advising the Secretary of State on social security matters and most social security regulations are referred to the Committee before they are laid before Parliament.

The aim of the regulations is to restore the DSS policy intention that means-tested social security benefits are not payable to full-time students (with the exception of those in the 'exempt' groups such as lone parents and students with disabilities). This follows the 'Webber case' which was won in the Court of Appeal in July 1997. This concerned a former student at Oxford Brookes University who had attended a modular undergraduate course which can be studied on a 'mixed mode' basis (i.e. students can attend on a full-time and on part-time basis at different stages of the course). During a period when the student was attending on a part-time basis (because he had failed modules in his first year) he attempted to claim Income Support, was refused on the grounds that he was a full-time student, and appealed. The case was eventually referred to the Court of Appeal where it was won for him.

The Government were clearly concerned about the implications of the Webber judgment: in a circular issued to local offices in October, the DSS admitted that the Income Support Regulations are 'now unclear with regard to HE modular courses' and 'no longer support the original policy intention'. However, at the same time, the Dearing Committee had recommended that one group of students who take breaks from full-time study (or 'intercalate') should have access to the benefits system, namely those who fall sick.

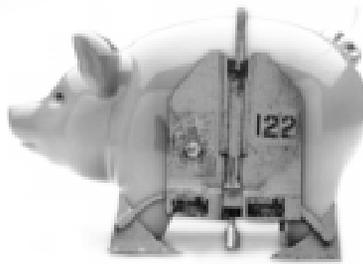
## What the Regulations seek to do

The draft regulations have wider implications than simply reversing the Webber decision. They are based on a distinction between voluntary and involuntary reasons for taking breaks from study, with an assumption that in respect of the former students should be self-financing. Voluntary

circumstances include the Webber situation (where a student has failed exams/modules) or taking time out to travel; involuntary circumstances include sickness. The distinction is, in practice, immaterial since the intention is that neither group has access to the means-tested benefits system (with limited exceptions such as students who have been certificated sick for 28 weeks).

The Regulations amend relevant sections of the following regulations: *The Income Support (General) Regulations 1987*, *The Council Tax Benefit (General) Regulations 1992*, *The Disability Working Allowance (General) Regulations 1991*, *The Jobseeker's Allowance Regulations 1996*, *The Family Credit (General) Regulations 1987*, and *The Housing Benefit (General) Regulations 1987*.

These regulations generally share definitions in common. The following definitions will be changed.



*'Course of study'/full-time student'/standard maintenance grant' (regs 2; JSA Regs 1(3))* — The concept of 'attending' a course will be changed to that of 'undertaking' a course in each of these definitions so as to break the link with physically attending an institution. This would mean that it would not be possible to undertake distance learning on a full-time basis and claim benefit. The Government wishes to make it clear that a student only has to be undertaking, rather than attending, a full-time course to be regarded as a full-time student. This provides for the variety of ways students might complete their full-time studies, without actually having to be attending the institution. For example, a student undertaking a period of experience on a sandwich course would still be regarded as a full-time student.

*'Last Day of the Course' (IS Regs 61)* — This will be expanded to a threefold definition to take into account different types of course: (a) for a 'qualifying course' (this has been included to take account of courses under the New Deal), either the date on which the last day of the course falls or the date of the final exam - whichever is later; (b) for other courses, the last day of the academic year for the

course of study; (c) The Government wishes to clarify the definition for postgraduate degrees to either "the date on which the student submits his thesis to the educational establishment for consideration or the date on which the final examination relating to that course is completed (whichever is later)".

*'Student' (IS Regs 61; JSA Regs 1(3))* — This will be extended to a three-part definition to make explicit the disentanglement of students from means-tested benefits from the day the course commences through to the last day of the course including any periods when the student is absent from the course or studying on a part-time basis unless s/he has finally abandoned or been dismissed from it. It is this clause in the legislation which will close the loophole exploited in Webber and similar cases.

## Who will be affected?

The Regulations purport to restore the policy intention with regard to 'voluntary' interruption of study. The *DSS Explanatory Memorandum to the SSAC* makes clear that '...the Government considers that students have a responsibility to make proper progress on their course and to study so that they pass the necessary examinations' and 'where, through their actions, students take a year off or change to part-time attendance with the institution's permission, they are expected to support themselves, usually by taking temporary work'.

The Memorandum goes on to state that, with regard to involuntary absence from a course because of illness 'the Government has provided and will continue to provide support. The proposed Regulations do not affect this position'. The support cited is in the form of 'discretionary payments under the *Mandatory Awards Regulations* and means-tested benefits after 28 weeks of sickness. With regard to the former, not only does this not happen at the moment, it will not happen now that grants are being phased out. As far as the latter is concerned, it is utterly unacceptable that a student who falls sick should have to wait six months before claiming benefit.

Aside from students who fall sick, there are other reasons for 'involuntary' absence which are not mentioned at all: for example, students who take time out to care for relatives, and for pregnancy. These groups will continue to be faced with a choice between abandoning the course in order to qualify for benefit or facing severe hardship if they only suspend.

Following both the Webber decision last July and the Dearing recommendation around the need for greater

flexibility in the benefits system for full-time students, NUS co-signed a letter, with the *Child Poverty Action Group* (CPAG) and Peter Turville from *Oxfordshire Welfare Rights* (who represented Webber and other cases), to Keith Bradley, Social Security Minister, asking that the DSS review Social Security Regulations. NUS also raised the issues in high level meetings with DfEE officials in the Autumn. They promised to pass our concerns on to DSS. We had every reason to believe that the Government was willing to offer some concessions, at least around students who fall sick. In mid-November, we submitted a paper to DSS in which we stated, unequivocally, our position that students who interrupt their studies should be entitled to claim benefit. In December we wrote to the Secretary of State, Harriet Harman, asking for a meeting to discuss these issues. We have recently received a reply in which our request for a meeting was refused.

### **The Intent**

The Government believes that the primary source of financial support for full-time higher education students should be the student loan/grant system and not the social security system. Jobseeker's Allowance (previously Income Support) should support jobseekers who are available for and actively seeking a full-time job. Full-time students who do not abandon their course or are not dismissed from it should continue to be regarded as full-time students for social security benefit purposes as their primary purpose is to complete their course and obtain their qualification. The proposals do not affect the position of those on Income Support because they are in vulnerable groups, like lone parents or disabled people.

The Government intends that "a student who has not finally abandoned or who has not finally been dismissed from a course of study should be regarded as undertaking that course for so long as he intends to resume his studies on the same course". This means that a student who intercalates (takes a year off during a course with the permission of the institution) will still be regarded as a full-time student. The Government considers that students have a responsibility to make proper progress on their courses and to study so they pass the necessary examinations. The Government will not provide State support to students taking time out to retake examinations. The proposals clarify certain periods during which a person will be regarded as a full-time student:

- any days falling within a period of vacation
- any days falling within a period of experience (for sandwich courses)
- any days in respect of which a person has permission from the educational establishment not to undertake the course but where he has not finally abandoned or been finally dismissed from the course
- any days in respect of which a person has permission from his educational establishment to study, or do course work, away from that establishment
- any days in respect of which a person has the agreement of the educational establishment to continue to undertake the course as an external student or on a part-time basis.



# Press Digest

## February – March 1998

### **Financial Support for Postgraduate Students**

#### **"Lack of talented candidates threatens research"**

THES, 20/2/98

Debt is deterring graduates from taking PhDs. Heads of research councils say the situation will worsen as tuition fees and higher loans are introduced this autumn. They are meeting to discuss ways of preventing talented graduates from poorer backgrounds being driven away from research. Several of the research councils are finding it hard to attract good enough candidates.

#### **"High flyers may roost elsewhere"**

THES, 20/2/98

If Britain is to have a future as one of the world's leading research nations, something has to be done about financial support for postgraduates. The situation can only get worse as first degree graduates' debts increase, as the length of research training extends from three to four years, and as starting salaries for the brightest rise in other occupations. At the very least, loans should be available to postgraduates on terms as favourable as they are for undergraduates.

#### **"Lobby points to postgrad plight"**

THES, 27/2/98

The government must address funding for postgraduate students if it is sincere about promoting equal access and lifelong learning, according to the National Postgraduate Committee. This should include extending student loans to postgraduates and providing better funded stipends. The NPC believes that postgraduates have been largely ignored in the debate on higher education, yet they will be severely hit by changes to undergraduate funding, and increased undergraduate debt which will discourage entry into postgraduate education.

### **Research in Arts and Humanities**

#### **"Humanities reprieve"**

THES, 27/2/98

Controversial moves to rationalise funding between arts and science subjects are being dropped to make money available for humanities research. HEFCE had started to phase in changes so that institutions received less funding for humanities subjects and more for sciences. However, this will now be scrapped to make way for an £8 million boost for arts and humanities research in each of the next two years. This arrangement follows Dearing recommendations for an arts and humanities research council, and includes £1.5 million new money.



### **MRes Degree**

#### **"If in doubt..."**

Guardian Higher, 3/3/98

An ambitious new research degree which combines training in vocational as well as research skills is set to become a permanent feature of the research training landscape. According to analysis of the pilot scheme, the one-year postgraduate MRes degree has proved all its sceptics wrong and succeeded in fulfilling both its aims. In the first two years, a high proportion of the students have used the MRes as preparation for a PhD, but a significant number have also leaped straight into the workplace.

Entry and exit questionnaires reveal that the MRes helps students who are undecided about their future careers to firm up their choices. The Research Councils also like the knock-on effects, where university departments seem to embrace aspects of the MRes philosophy, like generic skills, in other parts of their training (such as PhDs).

Compiled by **Jamie Darwen**

...continued from page 1

complaints. At the same time, don't look back in anger; instead keep a historical and documentary record in case things irreconcilably 'fail'. Keep your head down, get on with your work by all means but don't let the system walk all over you.

Everyone has the right to complain. It is up to individuals, backed up by a well-resourced advice system, to exert those rights. If there are minutes of meetings, memos, photocopied correspondence and specific evidence 'on file' there is at least a concrete frame of reference to use if necessary. Hearsay, uncorroborated evidence and unsubstantiated allegations are not enough. Avoid plunging the depths of personal diatribe and pursuing vendettas. As an 'expert' comments:

"Some whistle-blowers become consumed by their cases and can destroy their lives in the process of seeking justice."

(Holden: 1996)

Far better to follow the guidelines to the letter of the law and play by the rules of the system. Before you blow the whistle be sure what your priorities, objectives and reasons for complaint are. There's absolutely no point in causing trouble unnecessarily - so-called 'wolf whistling'. Once a formal complaint has been lodged there is often no going back. It should be remembered that:

"Whistle-blowing is risky ... Whistle-blowers can face reprisal, including dismissal - In higher education the

risks intensify. Academic freedom may be at stake. Reputations of academics and institutions may be jeopardised."

(Feenan: 1996)

Despite these caveats, the practice of whistle-blowing is growing. It can reveal deficiencies and inadequacies in the system, which would have gone unnoticed otherwise. There is a steady cultural shift from demonising to encouraging whistle-blowing. In theory, if a double-pronged strategy of complaints management and codes of practice is employed, the benefits will be felt by both the student and the institution. So much for the theory. Success or failure, there comes a time when the complainant must 'shut up and write up!' If you do choose to blow the whistle — whether before your course is completed or in the aftermath — it may merely be the beginning of another chapter. Look back if you must, cover your back if you feel the need to, but at the same time be positive, be practical, be pragmatic.

[As part of this project on postgraduate complaints could you please send copies of your institution's complaints procedure and appeals procedure to: **Don Staniford, 6 Buccleuch Terrace, Edinburgh, EH8 9ND** or email: **d.staniford@uea.ac.uk**. Any documentation would be much appreciated and will be used to draft the NPC's forthcoming *Guidelines on Complaints*.

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## Contacting the NPC

The NPC's General Secretary, Martin Gough, is always at hand to answer any queries you might have about the NPC or our activities, or to discuss any of the issues the NPC is dealing with.

Martin Gough, General Secretary,  
 National Postgraduate Committee,  
 c/o Leeds University Union,  
 P.O.Box 157, Leeds, LS1 1UH

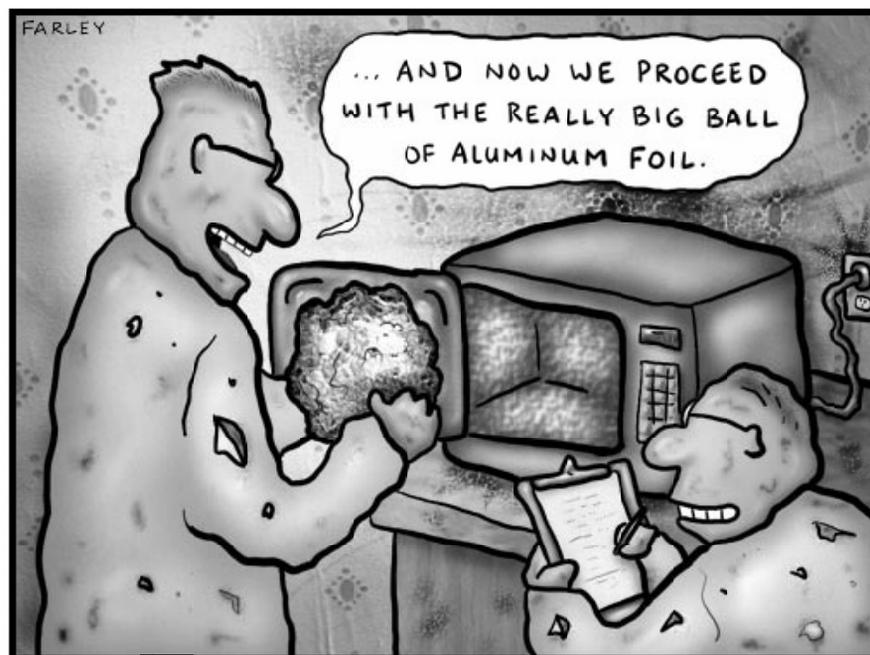
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You can also contact us directly (and, if you prefer, anonymously) through our web site, which also features information on the NPC, our events and publications, together with an on-line version of *Newsletter*, and an easy way to subscribe to our email mailing lists. Just fire-up any web browser and visit <http://www.npc.org.uk/>

## DOCTOR FUN

<http://sunsite.unc.edu/Dave/drfun.html>



Despite funding cuts, research into the origin of gamma-ray bursts continues as best it can.