GuildHE member views on UKVI visa regulations

EXECUTIVE SUMMARY

1. This document sets out the findings from a survey developed and administered in partnership between GuildHE and Uniac. It seeks to understand current issues associated with Tier 4 compliance and to provide useful information about practice within providers that will be of assistance in continuing to develop efficient and effective control mechanisms.

2. Uniac worked with GuildHE to develop a survey based on key areas of mutual concern and interest. Thirty-three institutions responded to this survey (though not all responded to all questions), accounting for over 75% of GuildHE membership. This was followed-up by in-depth interviews with 15 institutions. A full research note will be circulated to GuildHE members and research participants.

Staffing

3. Of the institutions who responded just under half indicated that staffing levels had increased over the past year. Two indicated that this was a significant increase. Many of the institutions we spoke to in follow-up conversations were actively considering how best to match resource levels with the burden of compliance and the desire to grow international student numbers.

4. *There are likely to be some 'fixed staffing costs' of engaging with necessary compliance requirements regardless of how few students are present, and so for institutions with small numbers of international students 1 FTE staff member can be responsible for compliance from anything between 5 and nearly 400 students.*

Monitoring Attendance

5. By far the majority of providers used their own in-house system to monitor attendance, with only nine providers referencing the use of a dedicated off-the-shelf attendance-monitoring system. Of those that did use such a system, no clear pattern of size emerged other than that no institution with less than c.500 students made use of them. It is also worth noting that at least four providers (12%) referenced having decided to move to an off-the-shelf product.

Monitoring attendance (e.g., on placements) outside of formal contact time

6. One of the challenges institutions have faced is how to capture non-standard or timetabled formal engagement. Methods used included:
   - Remote sign-in either online by email or VLE

- Monitoring whether scheduled meetings such as tutorials and supervisions, either by Skype or phone call, took place
- Feedback from placement providers; for example, their own attendance monitoring or organised touchpoints
- Specific contact requirements – e.g., a monthly requirement to sign-in or make contact
- Use of timesheets on specific relevant placements

Visa refusal threshold: impact of reduction and future changes

7. Of the institutions that took part in the survey, 27 (87%) stated they were either very concerned or concerned with the possibility of a further reduction in the visa refusal threshold. 16 (52%) stated that the previous reduction had had some form of negative impact. Specific negative impacts from the previous reduction most frequently cited in the survey responses included:
   - the cost of employing external specialists to check applications
   - additional internal time and resources spent scrutinising applications
   - more risk-averse behaviour in recruiting students

8. The research identified the visa refusal threshold as one of the most contentious areas of the UKVI guidance – particularly for smaller institutions - due to the disproportionate impact given the smaller student numbers, and that not all refusals were the fault of the institution. Institutions highlighted that there needs to be greater recognition of the limitations of metrics for smaller institutions.

Tightening of IELTSs requirements

9. Of the 31 institutions that responded, all but two (94%) expressed concerns about the possibility of IELTS requirements being tightened, with twelve (39%) being very concerned.

10. Twelve (39%) undertook some form of their own additional diagnostic language testing to assess the student's language levels. The diagnostic or assessment is key in ensuring that the student gets the appropriate support throughout their studies.

11. Other approaches by individual providers to guaranteeing English levels were appropriate included:
    - ensuring that all applicants are interviewed (face-to-face/Skype) to check their English levels prior to an application progressing
    - making use of external third-party testing
    - testing students from specific partnerships known to have greater difficulties
    - testing all students (whether international or home) for English language ability on entry in order to provide support where needed

Evidence of leaving the country

12. Most institutions did not capture evidence of students leaving the country, although some institutions capture evidence when the student has had their leave curtailed. The main barrier to capturing any such evidence was the significant burden that attempting it would generate.

13. There was an overwhelming negative response to the idea of exit checks being brought in, mainly related to the impracticality and ineffectiveness of this process, together with the fact that universities would have no way of enforcing these checks once a student had completed their course. Most institutions felt that only the Home Office would have the data to distinguish between students who had left and students that are still in the UK.

Governance and oversight

14. Just under half of the institutions that took part in the survey had a formal working group or committee overseeing UKVI Compliance, with stakeholders from relevant parts of the institution and often with responsibilities for agreeing policies and approaches to ensuring compliance. Most institutions also had clear engagement from senior management in ensuring compliance with, in most cases, an executive member represented as the Authorising officer.

15. 23 (74%) of institutions that respondents also indicated that they had risks associated with immigration on their main corporate risk register. These were either specifically in relation to Tier 4 Students and key recent developments (such as the 10% threshold and the increased risks to recruitment caused by Brexit), or as part of broader risks associated with compliance with key regulations. Where institutions provided comment, most indicated risk levels were seen as high or medium, mainly due to the consequences of 'getting it wrong' on just one or two students.

Possible improvements to the compliance system

16. Participants in the survey and in the follow up calls had many suggestions as to how to improve the compliance system. By far the most frequent requests across the survey and the phone calls were:
    - UKVI communication - greater clarity in the guidance (particularly around credibility interviews), and the avoidance of generic statements
    - more flexibility and recognition of HE as a diverse and highly compliant sector. A number of institutions fed back that the UKVI regulations and supporting systems are geared to larger institutions with greater Non-EEA numbers.
    - a move to a more risk-based approach
    - a tiered subscription charge for the premium service based on size to enable smaller institutions to engage
    - a desire for there to be greater recognition of the limitations of metrics for smaller institutions
    - greater clarity of the responsibilities for non-Tier 4 non-EEA students

Guild HE

GuildHE is an official voice for UK higher education, especially for universities and colleges with a tradition of learning, research and innovation in the industries and professions. Its 40 member institutions include:

- multi-faculty universities, offering a wide range of subject disciplines
- leading providers in professional subject areas including art and design, music and the performing arts, agriculture, education, healthcare and sports.
- institutions with roots in Victorian philanthropy and a commitment to education and the crafts, including specialist institutions and those with church foundations
- high-quality private institutions from both not-for-profit and for-profit sectors
- further education colleges delivering higher education.

GuildHE members are autonomous institutions, each with a distinctive mission and priorities. Together, they provide a dynamic and diverse contribution to UK higher education, nurturing innovation and creativity and providing more choice for students and for graduate employers. Many are global organisations engaged in significant partnerships and world-leading research, successfully attracting talented international students. Members are diverse but will often share a specialist mission.

Uniac

Uniac is a shared internal audit and assurance service for universities - some of whom own Uniac as members and some who are clients. For almost twenty-five years, we've been delivering a service that combines the intensive local knowledge of in-house internal audit teams with the breadth of knowledge offered by larger providers. We:

- provide specialist, high quality and valued assurance to the Higher Education sector based on the delivery of risk based audits;
- are a visible and valued advisor of audit committees and senior management teams, enhancing business processes and internal control environments;
- offer training on risk, control, compliance and governance related matters to staff and audit committees in universities. Training is delivered both by Uniac experts and by eminent external speakers; and
- publish briefing notes and benchmarking reports on audit-related topics.

As a shared service, we listen to what each of our universities wants, and we tailor our style and delivery to meet those expectations. We also provide a forum to exchange best practices and hear expert speakers from inside and outside the sector alike.

If you'd like to find out more about Uniac and how your institution can become a member please contact us on enquiries@unaic.co.uk