

University of Birmingham

Proposal to clarify an ambiguity concerning the Points-Based System in the Code of Practice on Student Attendance and Reasonable Diligence

Purpose of Paper

1. APRC is asked to **approve** a change to the Code of Practice on Student Attendance and Reasonable Diligence in order to clarify an ambiguity relating to the implementation of the points-based system.

Proposal

2. That the following minor changes be made to the Code of Practice on Student Attendance and Reasonable Diligence retrospectively from the start of the 2009/10 Academic Session (additions underlined, deletions struck through):

2.1 .3 *Points-Based System*

Under the Points-Based System, the University is required to define specified ~~10~~ contact points to verify the attendance of non-European Economic Area (non-EEA) Registered Students; non-contact from non-EEA Registered Students ultimately requiring the University to make a report of the non-EEA Registered Student's non-attendance to the UK Borders Agency. The nature and definition of these contact points may vary between programmes of study and research, and will be determined by individual Schools.

- 3.1 .2 *Where a non-EEA Registered Student has missed ~~the~~ 10 specified contact points, as determined by the School, the School will inform Academic and Student Administration, who will notify the UK Borders Agency, regardless of whether the Reasonable Diligence procedure has been invoked.*

Background

3. The Code of Practice on Student Attendance and Reasonable Diligence was adopted by APRC at their meeting of 21st May, 2009 (APRC.09.05.02; APRC minute 09/18) to replace the previous Code of Practice on Reasonable Diligence.
4. A question was raised over the interpretation of the Code of Practice on Student Attendance and Reasonable Diligence by staff in the Business School whilst they were updating their reasonable diligence procedures.

Arguments to Support Proposal

5. In its current form, the Code of Practice on Student Attendance and Reasonable Diligence suggests that 10 contact points have to be defined, and that a student will only be reported to the UK Border Agency if all 10 contact points are missed. This would require the student to effectively fail to attend the programme to be reported to the UK Border Agency, and would allow a student to turn up to the first contact point then fail to make any further attempt to attend, without the consequence of being reported.
6. It is clear that this is not the intention of the Points-Based System, especially when the following extract concerning reporting students to the UK Border Agency is considered:¹

if you miss 10 expected contacts without your approved education provider's permission.

This indicates that there could be more than 10 contact points, as the focus is on what happens if 10 contact points are met, rather than what happens if all contact points or a proportion of the 10 contact points are missed.

7. The proposed amendments to the Code of Practice on Student Attendance and Reasonable Diligence clarify what is required: that contact points for non-EEA students must be identified, and that should a non-EEA student miss ten of these contact points then they shall be reported to the UK Border Agency who shall take further action.
8. Considering the institutional risks involved in the points-based system, it is particularly important that correct information is disseminated to Schools in an accurate form, hence the requirement to bring these amendments into effect now rather than at the beginning of the next Academic Session.

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¹ Tier 4 of the Points-Based System – Policy Guidance, page 8:
<http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/Tier4migrantguidance.pdf>.