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AN INCREASE IN HIGHER EDUCATION FEES AND HUMAN RIGHTS LEGISLATION

Abstract

The issue of rising tuition fee in higher education in the UK and other western countries has been debated by researchers and educators alike. The discussions have shown that the increases have had a negative impact on access, retention and career development. This paper examines the impact of rising tuition fees on access, retention and students' career development in Higher Education in the UK. It explores the policies and legislation that gave rise to the recent increases and examines whether these rises are in breach of International Human Rights, in particular the right to education. The paper analyses the findings of a small-scale research carried out to get affected students' and their parents' views on the HE fee increases and to determine whether the educational institutions' policies are operating against the human rights laws. Based on the findings of the small scale research, the paper concludes that students' general education progress and their career development have been negatively affected by the increases in fees, and that institutional policies are in breach of the UK 1998 Human Rights Act.

Introduction

The main focus of this paper is Higher Education (HE) fees increase. Over the past few decades tuition fees have been rising on an annual basis and this has resulted in many debates by educators and researchers in the UK and other western countries, including Africa who rely on British education, hence sponsor students from overseas to study in the UK education institutions. The discussions have shown that the increases have had a negative impact on access, retention and career development. This paper examines the impact of rising tuition fees on access, retention and students' career development in Higher Education in the UK by carrying out a small-scale research with a selected number of students from three universities. It explores what gave rise to the increase in fees in the UK and looks at some of the consequences of fee increase.

Some colleagues, students and members of the general public, from informal discussions, the fees increase issue has linked it to a violation of human rights. The paper has therefore briefly discussed the UK 1998 Human Rights Act in order to bring an additional perspective to the discussion. Based on the findings of the small scale research, the paper concludes that students' general education progress and their career development have been negatively affected by the increases in fees.

Some Background Information

The rising cost in tuition fees is not only a concern in the United Kingdom (UK) but also in other parts of the world such as in Nigeria as it affects also the international students who come to the UK to acquire British education. The issue of

increase in tuition fees is also a concern in the United States of America (USA) and Canada, among others.

In the UK, the concerns about fees increase came to light when the government stated that it will cease funding the cost of university education. This meant that university students would be responsible for paying their tuition fees. For all students who attend universities in England and Wales, and who began their degree courses in the 2012/2013 academic year, a new procedure for university costs was put in place. There are certain circumstances that govern what fees certain students have to pay. For example, total fees paid depend on where students are from – the European Union/European Economic Area, England, Scotland, Northern Ireland or Wales. Total fees paid also depend on the level that students are studying at – undergraduate or postgraduate level. The following are the tuition fees for undergraduate students from the EU/EEA:

- England and Wales – up to £9,000 per year;
- Northern Ireland – up to £3,575 per year;
- Scotland – free (British Council, 2013).

The British Council also noted that the tuition fees for students who are not from any of the countries or areas mentioned above vary depending on the course provider.

Belkin (2013) reports on a discussion on the rising fees issue, as debated by three USA professors. Belkin identifies three reasons for the rising costs: (1) the decline in state support for higher education; (2) critics of higher education often blame faculty salaries for rising costs; and (3) the growth in entertainment spending and spending on amenities. The third reason given has to do with competition among universities, therefore many universities “have borrowed millions to build luxury dorms, new dining halls and rock-climbing walls. They also spend millions subsidizing intercollegiate athletics”.

From research work conducted by a policy think-tank in Canada, Habb (2013) notes: “The cost of a university degree in Canada is getting steeper, with tuition and other compulsory fees expected to have about tripled from 1990 to 2017, and students in Ontario are paying most...”.

Generally, for the three countries spoken of in this paper, the raising of tuition fees had much negative impact on students’ career developments. The paper will however focus on the UK because of space.

Some Consequences of Fees Increase

The rise in tuition fees brought about many negative results. This has even caused students to protest. Vasagar (2012) reports:

The raising of fees prompted violent protests on the streets of London and inflicted deep damage on the reputation of the Liberal Democrats, who went into the election pledging to vote against a fee rise. Published a week before A-level results came out; the report says that the number of university applicants in England dropped by 8.8% this year compared with the tally for 2010.

And there was a 7.2% fall in numbers of 18- and 19-year-old applicants in England between this year and 2010, the last year of applications before the cap on tuition fees was raised.

From the above report, it is evident that the news of tuition fees increase was not accepted in a favorable way. It should be noted that with regard to fall in numbers, this was not the same in the rest of the UK “where fees have not been raised” (Vasagar, 2012). Perhaps, this is because the students who attend universities in Scotland have free access, as noted earlier. Also, the fees for Welsh students who attend universities in the UK, as well as the Northern Ireland students have a limit of £3,465. According to the Independent Commission on Fees, Will Hutton, the Chair of the Fees Commission, said: “Although it is too early to draw any firm conclusions, this study provides initial evidence that increased fees have an impact on application behavior. There's a clear drop in application numbers from English students when compared to their counterparts in Scotland, Wales and Northern Ireland...” (Cited in Vasagar, 2012).

The Chair of the Commission notes some positive elements in spite of the drop in numbers. The Chair was pleased to report that to date there had been “no relative drop-off in applicants from less advantaged neighborhoods”. He saw the need to continue “to monitor a range of indicators as the fee increases work their way through the system”.

It seems that what David Willetts, The Universities Minister, had to say about the overall increase in fees is also a positive note. The Minister pointed to the fact that students would only start to repay their fees “after they had graduated and were earning £21,000 a year or more...” (Cited in Vasagar, 2012). This paper cannot say for certain what all students feel about repaying after graduating, but based on the research conducted, it asserts that some students still have many financial setbacks, which prevent them from completing their studies. Some people view this as a violation of their human rights, perhaps because of what the UK 1998 Human Right Act states.

UK 1998 Human Right Act

In order to understand how the UK 1998 Human Rights Act works, it is necessary to know about the European Convention on Human Rights (ECHR). The Department for Constitutional Affairs (DCA) (2006) explains:

The 1950 European Convention on Human Rights (ECHR) is a binding international agreement that the UK helped to draft and has sought to comply with for over half a century. The Convention enshrines fundamental civil and political rights, but for many years it was not a full part of our own law.

The UK 1998 Human Rights Act was enforced in October 2000. From that time onwards, it became possible to have the Rights from ECHR implemented in UK courts. DCA (2006) also explains that the 1998 Human Rights Act as a legal document that gives “further effect to rights in the ECHR”. It is all about respecting people’s rights and making sure that each one respects another’s rights. The right to education is addressed in *Protocol 1, Article 2: Right to Education*:

No person shall be denied a right to an education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

In summarising what the UK 1998 Human Rights Act entails, DCA notes three points:

- Convention rights and responsibilities form a common set of binding values for public authorities right across the UK.
- Public authorities must have human rights principles in mind when they make decisions about people's rights.
- Human rights must be part of all policy making.

The above seems to suggest that all policy-making institutions, including educational institutions, should respect the UK 1998 Human Rights Act. However, there are some restrictions with regard to education.

The Educational Institute of Scotland (EIS) (2011) points out that *Protocol 1, Article 2: Right to Education* is a qualified right and that is subject to a reservation, which is: "The right is compatible with provision of efficient instruction and training and the avoidance of unreasonable public expenditure". EIS goes on to explain what the right to education means. Three points are made: (1) access to educational institutions existing at a given time; (2) an effective education; and (3) official recognition of the studies a student has completed. However, it should be noted that when this Protocol is linked to other issues such as gender discrimination or racism, it can be applied with less restrictions. DCA (2006) also notes:

The general right to education is not an absolute right to learn whatever you want, wherever you want. The Government has made a special **reservation** to the ECHR in this area so that education provided by the state is limited to the extent that this is necessary to provide an efficient education and within public spending limits. You might not have a right to the most expensive form of education if there are cheaper alternatives available, but the Government or local education authority must balance the right not to be deprived of an education against the spending limits it imposes. The Government has stressed that the cost of providing education is a relevant factor in making these decisions.

Additionally, the Joint Information Systems Committee (JISC) (2008) also explains that the European Court of Human Rights (ECHR) has stated that the right to education in *Article 2, Protocol 1* "is concerned primarily with elementary education and not advanced studies".

The above limitations suggest that if the government does not give to people a specific type of teaching, it is not necessarily a violation of one's right to education; and that certain levels of education is not directly the responsibility of the government.

Methodology

A small-scale research was conducted to find out how some students and their parents feel about the increase in tuition fees. A total number of 30 students from

three UK universities participated in the research exercise. Semi-structured interviews were used for data collection because of the qualitative nature of the research. All the participants gave consent for the interviews to be conducted.

Findings

Below are some comments that students made about tuition fee increase. All the responses were grouped under the following main themes: retention, access, cost and career development. Selected responses are shown below:

I almost stopped attending university when the news came about the huge top up fees inspire that it is borrowing. Who pays for it, students after their course? This obviously means that you have to live in poverty forever as you struggle to pay the loan back. However, perceived to come for a degree because of the value of getting a good degree attached to my CV. But it is unfair to subject people like us to these large debts. (Student 16)

Please do not ask me about how I feel not even qualifying for a student loan which I was denied because of my parents' income. Why should my parents alone be responsible for my fees? Unfair isn't it? I am actually thinking of taking a year gap. I find it difficult to see my parents struggling with money to pay for my fees. I want to go and work, save the money and start a year later. Unfortunately, I am not growing young but older, how much can I save for a three year degree course. God help the young generation. (Student 23)

The huge increase in fees from £3,000 to £9,000 means a choice to think twice on where to go for cheaper fees. This in effect means that you cannot choose to attend a university of your choice where you can get good quality education coupled with worries of big debts to face after studying keeps one hopeless. I feel sorry for the young generation which I belong in that category. (Student 28)

It is okay for the universities to top up fees to sustain their financial burden, but who bears the pain-students like me who has to inherit debt after studies. Very unfair decision, we need to riot to put our concerns across to the government to make immediate changes. (Student 30)

Top up fees is all about political agenda with no attention for young generation. It feels like no one cares any more about quality education as you can be educated even in a market place as long as you can afford lower fees. What a deteriorating generation? Who suffers, the young generation? My father, not even my older brother did not worry about debts to pay when he finished school. I will not even think of getting married with the big debt to face after studies. (Student 34)

Discussion

The findings of this research clearly indicate that there are some concerns from all the participants with regard to the increase in tuition fees for higher education. The effects noted were mainly about access, retention, cost and career development.

Although students are aware of the UK 1998 Human Rights Act that gives the right to education, none of them were concerned about this right. It could be a case where they realized that the increase in fees is not a violation of their human rights. Or perhaps they were too concerned about access and retention to give 'right to education' any serious consideration during the interview process.

The students' fears about access seem to have some merit because some reporters and researchers have spoken about the drop in university applications. Vasagar (2012) refers to a clear drop in application numbers with regard to the English students, but notes that a similar situation does not exist for Scotland, Wales and Northern Ireland. This is probably because there is a cap on fees for Welsh and Irish students and Scottish students have no fees to pay.

Cost will always be a big issue, especially because of the global economic crisis that has affected educational institutions and funding agencies as much as it has affected the parents who pay for their children's education. One of the respondents talked about the pain of *inheriting debt after studies*. Another spoke of not being able to qualify for a student loan because of her *parents' income*. This seems even harder to understand because of what is reported about the rise in salaries for some faculty members and the unnecessary amounts that are spent on entertainment (Belkin, 2013).

Issues of access and cost will have a negative impact on students' career development. In order for students to make educational progress at high education levels, along with having access to a university, they would have to consider how their course of studies would be paid for. So it is reasonable to conclude that the findings of this study have identified issues that are real and will continue to affect the educational progress of those students who are, or whose parents are, unable to fund their higher education studies.

Conclusions

The increase in tuition fees for higher education the UK has been a topic of discussion among members of educational and other institutions in the UK society. The paper looks at the effect that the increase in fees has on some students in three universities. It gives some background information on the UK government's stance on the issue and shows how this same issue affects students in other parts of the world. It highlights the situation in the USA and Canada.

The findings from the small-scale research have shown that the great concerns are about access, retention and career development. There were no discussions about violations of human rights. Generally, this is an issue that is always under discussion, so there is no doubt that it will be addressed in the future. It is important to give such a topical issue more space in a paper that allows the report from a full-scale research. However, what this paper has shown is that some students' educational progress is very much affected by the rise in tuition fees and that there is a need to carry out further research on the impact of the fee rise on educational progress.

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