



Senate

<b>Paper Title</b>	<b>Office for Students: consultation on regulating quality and standards in higher education</b>
<b>Outcome requested</b>	<p>Senate is asked to <b>consider</b> the executive summary of the OfS consultation on regulating quality and standards in higher education.</p> <p>The consultation will close on 12 January 2021 and members are asked to provide any feedback on the consultation questions by Tuesday 5 January 2021, to Jane Pallant (<a href="mailto:j.pallant@qmul.ac.uk">j.pallant@qmul.ac.uk</a>).</p> <p>The full consultation is available here: <a href="https://www.officeforstudents.org.uk/publications/consultation-on-regulating-quality-and-standards-in-higher-education/">https://www.officeforstudents.org.uk/publications/consultation-on-regulating-quality-and-standards-in-higher-education/</a></p>
<b>Points for Senate members to note and further information</b>	<p>The OfS is consulting on its future approach to the regulation of quality and standards. The proposals are intended to lead to a redefinition of the current conditions of registration which regulate these areas, the 'B conditions'.</p> <p>The proposals are summarised as follows:</p> <ul style="list-style-type: none"><li>• To define 'quality' and 'standards' more clearly for the purpose of setting minimum baseline requirements.</li><li>• To set and assess minimum numerical baselines for student outcomes.</li><li>• To clarify the indicators and approach used for risk-based monitoring of quality and standards.</li><li>• To clarify the approach to intervention and to gathering further information about concerns about quality and standards.</li><li>• To explain the relationship between minimum baseline requirements set out in the B conditions and other aspects of regulation.</li></ul>
<b>Questions for Senate to consider</b>	Senate members are asked to consider the consultation questions detailed in the consultation document.
<b>Regulatory/statutory reference points</b>	The Office for Students: Regulatory Framework Higher Education and Research Act 2017 Quality Assurance Agency: UK Quality Code for Higher Education
<b>Strategy and risk</b>	Excellence in Education Excellence in Student Engagement Excellence in Student Employability Excellence in Learning Environment

<b>Reporting/ consideration route for the paper</b>	Circulated to members of the Education Quality and Standards Board for comment in November 2020.
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<b>Sponsor</b>	Jonathan Morgan, Chief Governance Officer and University Secretary

# Executive summary: consultation on regulating quality and standards

## Context

The Office for Students (OfS) is consulting on its future approach to the regulation of 'quality' and 'standards'.

The proposals in the consultation are designed to ensure that our approach to the regulation of quality and standards maintains and strengthens the English higher education sector and its international reputation. They reflect our experience to date of the registration and monitoring process, and our experience of operating during the period of the pandemic.

Introducing further clarity on how the requirements of the quality and standards conditions (the B conditions) are expressed, as well as further clarity about our requirements for registration and approach to monitoring of providers, will enable us to rebalance our approach. It will also mean we are in a better position to anticipate risks to quality and standards, either for individual providers or for the sector as a whole. In addition, we want to take steps now to identify where our approach is imposing regulatory burden that is not adding sufficient value for providers or students.

This consultation is taking place at an early stage of policy development. It invites views about our proposed general approach to defining and regulating quality and standards. We expect to consult again on more detailed proposals early in 2021.

### Headline proposals

- a. **Defining 'quality' and 'standards' more clearly for the purpose of setting minimum baseline requirements for all providers (see paragraphs 29 to 54, Annex A and consultation questions 1a-c).**
- b. **Set numerical baselines for student outcomes and assess a provider's absolute performance in relation to these (see paragraphs 55 to 70, Annex B and consultation questions 2a-h).**
- c. **Clarify the indicators and approach used for risk-based monitoring of quality and standards (see paragraphs 72 to 78 and consultation question 3).**
- d. **Clarify our approach to intervention and our approach to gathering further information about concerns about quality and standards (see paragraphs 86 to 106 and consultation question 4).**

## Summary of proposals

### **Define ‘quality’ and ‘standards’ more clearly for the purpose of setting minimum baseline requirements**

- Define ‘quality’ to include the outcomes delivered for students, and enable consideration of quality for all types of students, whatever, wherever and however they study.
- Define ‘standards’ to include new sector-recognised standards for the classifications awarded for undergraduate degrees.
- Express some initial conditions that relate to quality and standards differently from equivalent ongoing conditions to ensure our regulatory approach reflects the context for providers that may not yet have delivered higher education.
- Clarify the way in which our regulation of quality and standards applies to partnership arrangements and transnational education (TNE).

Our proposed definitions of ‘quality’ and ‘standards’ are set out below:

**Table 1: Proposed definitions of ‘quality’ and ‘standards’ that would represent minimum baseline requirements**

Access and admissions	Course content, structure and delivery	Resources and academic support	Successful outcomes	Secure standards
<ul style="list-style-type: none"> <li>Students admitted to a course have the capability and potential to successfully complete their course.</li> <li>The provider’s admissions arrangements identify the additional support students need to successfully complete their course.</li> </ul>	<ul style="list-style-type: none"> <li>The content of a course is up-to-date and assessed effectively.</li> <li>The content and assessment of a course provides educational challenge consistent with the level of the course.</li> <li>The structure of a course is coherent and delivers academic progression through the course.</li> <li>The content and structure of a course allows students to develop intellectual and professional skills.</li> <li>The course is delivered effectively and in a way that meets the needs of individual students.</li> </ul>	<ul style="list-style-type: none"> <li>Staff who design and deliver a course are sufficient in number, appropriately qualified and deployed effectively to deliver in practice.</li> <li>Physical and virtual learning resources are adequate and deployed effectively to meet the needs of individual students.</li> <li>Academic support, including specialist support, is adequate and deployed effectively to meet the needs of individual students.</li> <li>Students are effectively engaged in the quality of their educational experience.</li> </ul>	<ul style="list-style-type: none"> <li>Students continue from their first to second year at a rate above the OfS numerical baseline.</li> <li>Students complete their course at a rate above the OfS numerical baseline.</li> <li>Students progress to managerial and professional employment (or employment appropriate to the qualification level) or to higher level study at a rate above the OfS numerical baseline.</li> <li>Students have the right skills from their course once in employment and employers are satisfied with the graduates they employ.</li> </ul>	<ul style="list-style-type: none"> <li>The standards set by the provider (if it is an awarding body) and achieved by its students are consistent with sector-recognised standards.</li> <li>The provider’s assurance arrangements ensure that assessment of students and the resulting awards are valid and reliable.</li> <li>Qualifications awarded to students have value at the point of qualification and over time.</li> </ul>

## **Set and assess minimum numerical baselines for student outcomes**

- Set increased, more challenging, numerical baselines that apply to each indicator and all providers. We propose that numerical baselines will not be adjusted to take account of differences in performance between demographic groups.
- Consider a provider's performance at a more granular level, including consideration of performance at subject level, in courses delivered through partnerships, and for students studying outside the UK.
- Consider a provider's context to ensure we have properly interpreted its absolute performance.
- Improve transparency in relation to the indicators used to regulate student outcomes.

## **Clarify the indicators and approach used for risk-based monitoring of quality and standards**

- Clarify indicators and other information that should be used by us to monitor compliance with quality and standards conditions.
- Set out how we would monitor 'lead' and 'lagged' indicators of performance and context, reportable events and patterns of notifications.

## **Clarify our approach to intervention and to gathering further information about concerns about quality and standards**

- Establish an appropriate balance between the regulatory burden that intervention places on providers and our ability to regulate effectively in the interests of students.
- Set out how we would use a range of approaches, including where necessary our investigatory powers, in our engagement with providers to incentivise compliance.
- Explain when and how we would commission the designated quality body or another organisation to collect further evidence on our behalf.
- Indicate how we would use the full range of our enforcement powers when there is a breach of the B conditions, including, in the most serious cases, deregistration.

## **Relationship between minimum baseline requirements set out in the B conditions and other aspects of regulation**

- Explain the relationship between minimum baseline requirements for quality and standards, requirements for access and participation plans, and current approach to the Teaching Excellence and Student Outcomes Framework (TEF).

## **What will the consultation achieve?**

- Strengthen our approach to ensure that all students, whatever their background or where and how they study, are protected from low quality courses or qualifications that do not meet sector-recognised standards.
- Ensure that students, from the UK and beyond, as well as the wider public and the taxpayers who subsidise their education, can have confidence in the quality of the courses offered by English higher education providers and that they represent value for money.
- Provide clarity for providers, students and other stakeholders about the 'universal' nature of a provider's obligations for the quality and standards of all of its courses.
- Improve transparency about the indicators used to regulate student outcomes.

- Ensure that our approach to monitoring is risk-based and that there is, in general terms, an appropriate balance between the regulatory burden that monitoring activity places on providers and our ability to regulate effectively in the interests of students.

## Next steps

This consultation is open from **17 November 2020 to 12 January 2021** and we welcome responses from anyone with an interest in quality and standards in higher education, including registered providers, non-registered providers, student representatives and professional bodies.