



OfS Consultation: Regulating quality and standards in HE

Response from the Chartered Association of Business Schools

22 January 2021

Proposal 1: Define 'quality' and 'standards' more clearly for the purpose of setting the minimum baseline requirements for all providers

Question 1a: *Do you agree or disagree with the proposed definitions of 'quality' and 'standards' set out in Table 1 of Annex A and that this should be used to express minimum baseline requirements for quality and standards in revised B conditions?*

Proposed response: Agree

Proposed comments:

Our members believe that a minimum baseline for quality and standards for all providers will enable a risk-based approach to monitoring on-going compliance. We are in agreement with the definitions in Table 1 and believe they can be used to articulate a provider's universal obligations and we also have no issue with the content of Table 1 being reflected in revised B conditions. However, our members believe that it is difficult to assign quantitative measures for many of the definitions, with the possible exception of the proposed measures for student outcomes. Furthermore, the proposed measures of success do not have a direct relationship with the standards as articulated in Table 1. For example, student continuation rates will not be a reflection of how up-to-date course learning materials are.

We have concerns over the wording of B3: *'The provider must deliver successful outcomes for all its students'*. HEIs can do their best to create a learning environment that offers all students the opportunity to achieve successful outcomes but it is not possible to guarantee successful outcomes for all students. University input is just one factor and students themselves must share responsibility for their progress and the outcomes that flow from it. We also have concerns about the progression baseline of success being represented by progression to managerial and professional employment as this may not be the student's desired outcome/definition of success. Further, such progression in some professions may take longer than others.

In regards to the successful outcomes, more consideration is needed as to how employer satisfaction will be measured. It is also important to remember that numerical baselines do not account for contextual factors and therefore should not be viewed in isolation. We also question how numerical baselines can be established without reference to existing sector data, which will favour some institutions over others.

Question 1b: *Do you have any comments about how the proposed definitions of quality and standards set out in Table 1 of Annex A should be assessed for individual providers?*

Proposed comments:

Our members would welcome a principles based approach which allows latitude for HEIs to express regulatory requirements in terms of the broad outcomes. With universities already subject to several assessment frameworks, it is important that the design and implementation of the exercise does not add significant further workload for institutions that is beyond the actual value likely to be generated for students and the sector as a whole.

A principles based framework should include opportunities for engagement/dialogue. This should be a qualitative exercise, involving relevant stakeholders from students to employers (who can then express their satisfaction with employability outcomes) and peers from other institutions and include a transparent closing the loop exercise. However, employer satisfaction will be challenging to measure in a meaningful way for individual courses.

Under resources and academic support, the appropriate qualifications of academics should not be solely informed by PhD or equivalent, but also through metrics of teaching excellence e.g. CMBE, PFHEA, etc. This is especially important where practitioners make up part of the course delivery. This type of input can be vital, although it is unlikely all practitioners will have PhDs. Course structure and quality need to be independently considered on a regular cycle of review (e.g. every 5 years) with consideration from external examiners, employers, students (present and past), and professional bodies.

Question 1c: *Do you agree or disagree with the proposal in paragraphs 41 to 43 to express initial requirements differently from the equivalent ongoing requirement for providers seeking registration?*

Proposed response: Agree

Proposed comments:

We believe this proposal aligns with a risk based regulatory environment and will ensure that the regulatory burden in relation to quality and standards is minimised for high quality providers who are not at increased risk of a breach of any of the B conditions. Numerical baselines are not necessarily indicators or guarantees of quality but we understand that new providers will have to be judged on their plans rather than outcomes.

Proposal 2: *Set numerical baselines for student outcomes and assess a provider's absolute performance in relation to these*

Question 2a: *Do you agree or disagree with the proposed approach to assessing student outcomes set out in Annex B?*

Proposed response: Agree

Proposed comments:

Broadly speaking we are in agreement with the proposed indicators for student outcomes, and have no further indicators to suggest. However, we are concerned that setting an absolute baseline in this way may inadvertently stifle innovation in areas such as student recruitment. It could encourage institutions to stick to existing approaches which may not always be optimal. Establishing baselines at the level of constituent subjects is fraught with problems due to the varying definitions of subjects and the possibility of small sample sizes that will produce little insight for users. We would suggest that the findings from the subject-level TEF pilots are used to inform the design of the baselines in order to overcome some of these issues.

In addition, rates of progression to managerial and professional employment or a higher level of study will need to be considered in the context of the economic environment and industry norms. It makes sense that the validating provider should report on data relating to the provision of programmes delivered through partnerships, but issues related to quality and standards could be obscured if this data is simply aggregated into the subject-level data for the validating provider.

Question 2b: *Are there any other quantitative measures of student outcomes that we should consider in addition to continuation, completion and progression (see Annex B paragraph 18)?*

Proposed comments:

It may be useful to include measures of extra-curricular opportunities and student take-up to reflect the broader outcomes students can obtain through HE. Our members also feel that it is important not to overlook qualitative measures and processes as an important means to evaluate quality. As

mentioned earlier, a principles based framework should include opportunities for engagement/dialogue with providers, and we believe that qualitative approaches would lead to a dialogue centred on productive solutions and continuous improvement.

Question 2c: *Do you agree or disagree with the proposals for the levels of study at which indicators should be constructed? Should any additional indicators be considered (see Annex B paragraph 25)?*

Proposed response: Agree

Proposed comments:

Our members suggest consideration of indicators related to top-up degrees, apprenticeships, online only/blended, foundation or placement study programmes.

Question 2d: *Do you have any comments about an appropriate balance between the volume and complexity of indicators and a method that allows us to identify 'pockets' of performance that are below a numerical baseline (see Annex B paragraph 32)?*

Proposed comments:

There should be clarity as to whether below baseline performance in a single indicator at any point in time would be considered a trigger for regulatory action, or if action would only be triggered by below baseline performance on multiple indicators over a longer duration. It may be sensible to set a minimum coverage period for performance data (perhaps three years) and apply a balanced scorecard approach to measuring performance which would allow for targeted interventions where there are issues with achieving baseline standards. Furthermore, the scope of the proposed indicators is very wide and this could prove to be a barrier to identifying at risk areas of performance.

Question 2e: *Do you agree or disagree with the demographic characteristics we propose to use (see Annex B paragraph 36)? Are there further demographic characteristics which we should consider including in the list of 'split indicators'?*

Proposed response: Agree

Proposed comments:

Our members also find it useful to track outcomes by type of entry qualification and whether students are commuter students.

Question 2f: *Do you agree or disagree that the longitudinal educational outcomes dataset should be used to provide further indicators in relation to graduate outcomes (see Annex B paragraph 46)?*

Proposed response: Disagree

Proposed comments: The LEO dataset has significant lag and we therefore do not believe it should be used as an indicator. Furthermore, it has limited coverage on the outcomes of non-EU graduates and its use for performance benchmarking would be detrimental for subjects with a relatively high proportion of non-EU graduates.

Question 2g: *Do you have any comments about how the range of sector-level performance should be taken into account in setting numerical baselines (see Annex B paragraph 57)?*

Proposed comments:

A numerical baseline that would result in a significant proportion of providers failing to meet it would essentially constitute a comparative standard. We do not think that baselines constructed in this manner would be appropriate. An approach will be needed for instances where providers have contextual reasons that would explain particular numerical outcomes.

Question 2h: *Do you have any comments about the other contextual factors that should be taken into account and the weight that should be placed on them (see Annex B paragraph 68)?*

Proposed comments:

In our view a provider's performance should be considered acceptable, even if it falls below one or more baselines, if there are credible contextual or other relevant factors that explain the result. Also, the contextual factors are quite broadly defined at the moment and so it will be necessary for the regulator to provide more guidance as to the type of factors that would be considered relevant.

Proposal 3: Clarify the indicators and approach used for risk-based monitoring of quality and standards

Question 3: *Do you agree or disagree with the proposals in Annex C for monitoring ongoing compliance with regulatory requirements for quality and standards?*

Proposed response: Agree

Proposed comments:

We would be in agreement with a methodology that considers a provider's performance holistically, as opposed to action being triggered due to below baseline performance on a single indicator. We find it odd, however, that in para 78 it is stated that the award of the lowest TEF rating would be a trigger for further investigation of performance. An institution that receives the minimum TEF award (Bronze) has already been certified as meeting certain minimum standards in relation to teaching excellence. It would be contradictory, at best, to the overall aim of this exercise to set minimum baseline requirements that all providers are required to attain, while rejecting what is considered acceptable under the TEF. There are considerable risks inherent in an approach which overlaps the proposed compliance process with TEF (or similar) processes.

Furthermore, we are not sure why in para 75 it is suggested that the OfS may demand a provider's performance to be higher than a numerical baseline. If a provider is meeting the baseline, why should a higher performance target be imposed? We question whether the list of reportable events should be extended as per para 12, Annex C, given that the workload involved may not yield significant benefit. Also, the events listed are of a lagging nature and some are challenging to define.

Our members have some concern that the breadth of the proposed monitoring may be a barrier to successfully identifying specific performance issues and will lead to excessive administration at a time when they are seeking to reduce these costs to focus on improving delivery and direct spend on students. Risk-based monitoring assumes that the measures and controls are adequate and leads to desk-based appraisals of quality. Qualitative indicators need to feature much more strongly - which is the position we will arrive at if contextual information/readings are permitted. We also question how 'informal complaints' are defined and what would be the standard for investigation and fact finding and recording outcomes? This needs more consideration in practical terms.

Proposal 4: Clarify our approach to intervention and our approach to gathering further information about concerns about quality and standards

Question 4: *Do you agree or disagree with the proposals in paragraphs 86 to 101 for our approach to intervention and gathering further information about concerns about quality and standards?*

Proposed response: Agree

Proposed comments:

Engagement with providers is essential in instances of concerns about quality and standards.

Questions relating to all proposals

Question 5: *Do you have any comments about any unintended consequences of these proposals, for example for particular types of provider or course or for any particular types of student?*

Proposed comments:

As already mentioned, establishing absolute baselines may stifle innovation in student recruitment and support and lead to institutions sticking to existing practices by default. Aggregating data from a partnership into the validating provider's subject-level data may encourage some partners to withdraw from partnerships, to the detriment of certain demographics.

Question 6: *Do you have any comments about the potential impact of these proposals on individuals on the basis of their protected characteristics?*

Proposed comments:

We do not believe that numerical baselines should be set on the basis of protected characteristics. This should be monitored as part of Access and Participation Plans and qualitative contextual narrative. Institutions already invest significant effort to produce robust APPs which are intended to safeguard individuals with protected characteristics.

Question 7: *Do you have any comments about where regulatory burden could be reduced?*

Proposed comments:

The design and implementation of the exercise must be mindful of the workload it would entail for the sector relative to the benefits likely to be realised.

Question 8: *Do you have any other comments?*

There are considerable risks if the regulation process results in HEIs being held accountable for wider social differences which cannot solely be addressed in the higher education sphere. We would be concerned if punitive sanctions were applied to the HE sector if the regulator deems that progression and awarding gaps as well as graduate outcome gaps have not been resolved. However, evidence shows that social capital is an important contributor towards student success, so it is worth considering whether institutions can do more to improve student outcomes using Foundation courses and contextual admissions.

About the Chartered ABS

The Chartered ABS is the voice of the UK's business and management education sector and our members consist of 121 business schools and higher education providers across the UK, as well as affiliate stakeholders, corporate members and international partners.

The UK's business and management education sector produces vital research for example how best to disseminate new technologies to SMEs; the impact of the current crisis on front line workers; calculating the trade-off between short and long-term benefits in policy-making; informing policy to tackle corruption in professional sports; transforming palliative and end-of-life care for service users; cutting carbon footprints in the service sector.

Business and Management represents 1 in 5 university students and contributes £3.25bn to the UK economy. Its management students go on to lead global businesses and its entrepreneurs contribute to our dynamic economy. Its research has an impact across society and helps to turn our capacity for invention into viable businesses.

While MBAs may enjoy the highest profile of all business school programmes, they make up a very small proportion of what business schools do. In terms of student numbers, MBAs make up less than 5% of the over 325,000 students studying in business schools in the UK, and this doesn't take in to account short programmes, often offered under the umbrella of Executive Education, which caters for an increasing number of open and bespoke programmes delivered to employees in both large and small firms.