

Council Response to Office for Students Consultation on Quality & Standards 2021

Consultation on quality and standards in higher education: Raising the bar

Decision for the Board

Council is asked to NOTE the College's response to the Office for Students (OfS) consultation on Quality and Standards.

While it is not standard practice that a consultation of this type would be shared with Council, it is provided at the request of the Chair to give Council an indication of the direction of travel that the OfS is indicating in this consultation.

Council would ordinarily receive assurance on quality and standards via the routine business and reporting of Academic Board.

Context and environment

The Office for Students is consulting on its approach to the regulation of 'quality' and 'standards' in higher education. **The College's final response to the consultation below was submitted on 20 January 2021**, following input from the Quality Office, the Director of Student Experience and Academic Registrar, Pro Warden Academic, and an extraordinary meeting of Quality and Standards Committee on 13 January 2021.

The OfS's [Executive Summary](#) and [full consultation document](#) are available online, along with a [Guide to the proposed changes and published FAQs](#).

The consultation makes early policy proposals about how the OfS should set out, monitor and take action regarding the minimum baseline requirements for quality and standards. For ease, all proposals contained in the consultation and all consultation questions are included in this paper, along with Goldsmiths' position and final response.

This consultation is Phase 1, with more detailed consultation at **Phase 2 scheduled to take place in Spring 2021** (aligning with TEF consultation at that time). Phase 2 of the consultation will include new B conditions and associated guidance and provide a detailed approach to constructing indicators and setting numerical baselines for student outcomes, proposals for the level at which these should be set and the way in which contextual factors will be taken into account in the OfS's assessment of a provider's performance.

The consultation therefore makes preliminary policy proposals about the minimum baseline requirements to be set for higher education providers, and the OfS's approach to ensuring these requirements are met. In summary, the proposals define:

1. How 'quality' and 'standards' should be defined for regulatory purposes
2. How minimum regulatory baselines should be set
3. Which indicators should be used to monitor regulatory risk
4. Where the OfS' risk appetite should be set for intervention
5. What the consequences should be for a breach of a condition

Risks

There are no direct risks resulting from this paper. It is important Goldsmiths engaged with the OfS consultation to ensure the College and sector is appropriately monitored on the quality and standards of its awards. The College will engage in the second phase of this consultation when it is published.

Financial and/or resource implications

There are no financial or resource implications related to this paper.

Equality and Diversity

As a public body, the College has an active duty to consider the impact on equality in all decision making.

There are no E&D concerns with this response. All quality and standards monitoring use data which take account of EDI factors.

Consultation with staff, students and/or other stakeholders

The response to the consultation has been written collaboratively by the Head of Quality, Quality Assurance Manager, Director of Student Experience and Academic Registrar, and the Head of Management Information and Analysis. The draft was reviewed by an extraordinary meeting of the Quality and Standards Committee (QSC) on 13 January 2021, with final sign off given by the Pro Warden Academic as Chair of QSC.

Professor Elisabeth Hill
Pro Warden Academic
20 January 2021

Background

The Office for Students is consulting on its approach to the regulation of ‘quality’ and ‘standards’ in higher education. Since 2018, the OfS’s focus has been on assessing providers seeking registration, however, the consultation focusses on how the OfS should develop its approach now that most providers are registered with them. The deadline for responding to the consultation is 19 January 2021 (OfS extended original 12 January deadline by one week).

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The consultation makes early policy proposals about how the OfS should set out, monitor and take action regarding the minimum baseline requirements for quality and standards. For ease, all proposals contained in the consultation and all consultation questions are included in this paper, along with Goldsmiths’ position and proposed response.

The OfS states that its ‘regulatory approach is designed to ensure that [its] regulation of quality and standards, and of access and participation, is mutually reinforcing for the benefit of students. [The OfS] set a minimum baseline requirement for quality, which includes a minimum level for student outcomes. [Its] intention in doing so is to be clear that all students are entitled to the same minimum level of quality. [They] also expect higher education providers to improve access to higher education for the most underrepresented groups and to reduce the gaps between the outcomes achieved for these students and the outcomes achieved for other groups.’

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These proposals impact on conditions of registration B1 to B5 (commonly referred to as 'quality and standards B conditions'). Conditions B1, B2, B4 and B5 currently set out a qualitative baseline and B3 a quantitative baseline. These minimum baselines act as a consumer protection mechanism that ensures all higher education providers regulated by the OfS offer a minimum level of quality and performance for students. The Teaching Excellence Framework (TEF) is used to promote excellence in teaching and outcomes beyond the minimum baseline.

The OfS now wishes to ensure that its monitoring approach allows them to recognise signs of badly designed or badly delivered courses, or weaknesses in academic support or digital poverty that in turn would lead to poor outcomes. The monitoring system needs to be underpinned by the data.

Summary of proposals:

1. How 'quality' and 'standards' should be defined for regulatory purposes
 - a. Definitions express minimum baseline requirements for quality and standards and apply to all of a provider's higher education courses, irrespective of where or how courses are delivered or who delivers them.
2. OfS expects the ongoing development of student outcome data indicators to extend their coverage, in particular in relation to the overseas activity of a registered provider and to UK-based courses which are not recognised for OfS.

In addition to existing sector-recognised standards (threshold standards), it is proposed to add the new sector recognised standards adopted by UKSCQA in June 2019.

The revised conditions would cover the student academic lifecycle: access and admissions; course content, structure and delivery; resources and academic support; successful outcomes; and secure standards. Current references to the UK Quality Code would be removed.

3. How minimum regulatory baselines should be set

- a. The OfS is seeking to set numerical baselines for acceptable performance against indicators relating to: continuation; completion; and progression to managerial and professional employment or higher level study
 - b. The OfS proposes to adopt an approach to setting numerical baselines that would result in an increased, more challenging performance requirement for all providers. They also propose to assess student outcomes at a more granular level by considering the performance of a provider at subject level, in courses delivered through partnerships and for students studying outside the UK.
 - c. The OfS intends to publish indicators for individual providers. All providers would be required to meet the same numerical baselines for performance in continuation, completion and progression. This proposal would require a change to condition B3.
4. Which indicators should be used to monitor regulatory risk
- a. Annex C of the consultation document sets out a defined set of indicators and contextual information about each registered provider to monitor compliance with quality and standards conditions. This approach would provide the OfS with signals to show where further engagement, evidence-gathering or investigation might be necessary before deciding whether regulatory risk has increased for an individual provider.
 - b. The use of indicators in this approach does not prevent the OfS from separately requiring a provider's performance to be above a numerical baseline in relation to certain student outcome indicators.
 - c. The OfS proposes to use the outcomes of the TEF as an indicator to identify cases where further investigation of compliance with the baseline B conditions may be necessary.
5. Where the OfS' risk appetite should be set for intervention
- a. Numerical data used would indicate to the OfS whether or not there is a breach of condition B3 and the OfS would intervene on that basis. The OfS would ask a provider to submit any further information it considers relevant as part of a formal representations process.
 - b. The OfS can investigate, including by instructing the Designated Quality Body to gather further evidence in relation to the B conditions (although this would not include asking the DQB to gather evidence in relation to a provider's compliance with the condition relating to student outcomes).
 - c. Once it has gathered the evidence, the OfS would reach a provisional decision on whether it considered there to have been a breach of one or more conditions. It may also reach a provisional decision to impose one or more specific ongoing conditions of registration to remedy a breach or to mitigate a significantly increased risk of a future breach.

- d. Where a breach, or increased risk of a future breach, is established the OfS may impose one or more specific ongoing conditions of registration. It may also consider whether a provider should be required to make more frequent data returns to allow the OfS to monitor improvement in student outcomes more frequently.
6. What the consequences should be for a breach of a condition:
The OfS will expect to use the full range of its enforcement powers for a breach of B conditions, which includes:
- impose one or more specific ongoing conditions of registration
 - impose a monetary penalty
 - suspend aspects of a provider's registration, including access to student support funding or OfS public grant funding
 - vary or revoke a provider's authorisation for degree awarding powers, or revoke a provider's authorisation to use 'university' in its title
 - deregister a provider

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 (page 30 of the consultation document) and that this should be used to express minimum baseline requirements for quality and standards in revised B conditions?

Disagree. Although we broadly agree with the proposed definitions to express minimum baseline requirements, we feel that the creation of these separate definitions within the OfS' regulatory framework diminishes the relevance of the UK Quality Code. The UK Quality Code is a co-owned document developed through consultation and with the consensus of institutions, as a means of ensuring and measuring quality and standards across the four nations and UK sector as a whole. We are concerned that this will lead to a reduced role for institutions in the process of defining expected baseline standards requirements in the future. Removing references to the UK Quality Code also risks confusion for international audiences, which might impact on recruitment of international students, weaken transnational education partnerships and undermine the brand of UK higher education.

We also believe that the focus on graduate outcomes does not fully reflect on the quality of an institution's provision. Outcomes are undoubtedly important but are impacted on by more than just the quality of provision. For example, student characteristics, behaviours, and wider social and economic environment may all affect this, but lie outside of a provider's control.

We are concerned that the proposed approach risks undermining the institutional autonomy relating to standards, as enshrined in the HERA (2017), which rightly limits the powers the OfS may exercise in this space. The HERA makes clear that when a Designated Quality Body (as defined by the Act) has been designated, it is this body that should be responsible for the setting and assessment of eligible standards in higher education in England. As the QAA is the Designated Quality Body under the HERA, we query the necessity for the OfS to consult with the sector before having consulted with the QAA.

There are also some complexities, particularly relating to integrated foundation years/Year 0 programmes to be taken into account. The first definition of a successful outcome is that “*Students continue from their first to second year at a rate above the OfS numerical baseline*”. Although at face value this definition appears to be reasonable, the problem here is that the OfS currently does not sufficiently distinguish progression between foundation year and main degree progression. It would need to do so if moving to a higher numerical baseline for all, or else consider removing them from continuation figures where they have successfully exited from level 3 with an award, for example.

We also have the following observations relating to successful outcomes. The second definition states that “*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*”. This definition is drawn directly from the Graduate Outcomes Survey (GOS). Our concern in relation to this is whether GOS data is able to accurately capture the different career progression relating to different subjects. We are concerned, that the limitations of the data could put an institution with a subject offering such as Goldsmiths in breach of this condition.

The fourth Successful Outcomes requires that “*Students have the right skills from their course once in employment and employers are satisfied with the graduates they employ*”. Whilst the College can demonstrate employability skills gained by its graduates from its courses, and can involve employers in the design of these, as higher education providers we would not be able to regularly measure whether employers are satisfied with the graduates they employ from our own institution.

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?

A variety of quantitative and qualitative datasets should be used to assess quality and standards at the provider level, however, the limitations of using data should be recognised. This includes, the high variances that might be evident within the data below the provider level, wider contextual information that might be relevant, and acknowledgement that positive change at provider level can often take many years to be reflected in the quantitative datasets.

Some of the definitions of “successful outcomes” risk placing institutions with an arts and humanities subject-focus at a systemic disadvantage, particularly when considering baselines for progress in to managerial and professional employment. Appropriate consideration of career paths should be considered allowing for routes through creative industries and freelancing.

Finally, the indicators here are absolute rather than benchmarked, which we believe is likely to be detrimental to particular institutions.

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?

Agree – it is difficult to see what other approach could be taken here. We are concerned, however, that lowering the requirement for initial providers could be an immediate risk as it would allow new providers to operate without any additional specific ongoing conditions of registration attached. This is both a potential risk to students as the level of scrutiny for new providers is reduced, and also means that new and existing providers are not being reviewed on a level playing field. In the absence of defined outcomes there are no clear criteria for judging the adequacy of a providers’ plans to meet the requirements.

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 (page 34 of the consultation document)?

Disagree. The OfS recognises that the proposed change to the use of absolute data rather than sector-adjusted benchmarks as a measure of quality would still need to be accompanied by a consideration of other contextual and relevant factors (paragraph 8). However, the lack of detail of what data or information might be included in such a

consideration or of any benchmarks that might be set make it very difficult to respond with certainty to the question at this stage.

In general, we are concerned that this approach may disincentivise the recruitment of students from non-traditional backgrounds which would run counter to the notion of civic universities with a responsibility for widening access and participation. By not considering benchmarking or contextualising minimum or threshold metrics of quality and standards, risks disadvantaged students and often those from BAME communities being denied the opportunity of engaging in life-changing higher education opportunities. It also risks reversing progress already made by providers in increasing access and participation of these under-represented student groups.

There are limitations of using institutional level and subject level data, which do not necessarily clearly map onto programmes and/or departments.

The concept of pockets of performance at face value is one approach for targeting performance. However, small datasets or inappropriate aggregation through some common aggregation hierarchy level 2 may lead to some pockets being unfairly considered.

It is difficult to comment fully when it is unclear how the data will be used and in turn what effect any outcome might have on an institution's reputation and rankings.

Without the full methodology being available for the measures being considered, it is difficult to determine whether this is the right approach to assess student outcomes. In particular, if the completion rates are to be based on projections aligned with HESA performance indicators this will negatively impact institutions where completion is improving, or where data is unavailable for the transformation matrices required to project outcomes.

We recognise the value in ensuring that providers have responsibility for the quality and standards of provision for all of its higher education courses, irrespective of the organisation that delivers them. However, we are concerned that the data currently available to assess performance are not sufficiently comprehensive or comparable to main provider reporting. The proposal to construct continuation and completion indicators for students taught through transnational education in broad terms, based on information returned via the aggregate offshore record from 2019-20 onwards, is problematic because it risks masking differences that may exist between separate institutional partnerships. Partnership performance may also not be comparable due to different regulatory frameworks and expectations they operate within.

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)?

Projected measures should, where possible, be avoided with a preference for actual outcomes. The combining of different metrics to formulate a secondary measure, similar to the approach of Start to Success, should also be avoided.

It might be useful to consider a value-added metric. Formulation of the metric would be potentially difficult but could utilise available data.

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)?

We would agree that degree provision which includes an integrated foundation year should be considered separately (see comments in response to question 1a).

In principle we agree with the proposals for the levels of study set out with the exception outlined above. However, without the full methodology for the measures it is unclear whether the levels should be split further. The concept of continuation, completion and progression has not been readily utilised at postgraduate level before so there may be particular types of provision that should be drawn out further once the measure definitions are articulated.

Drawing out provision such as foundation years and integrated masters may need further consideration as there is potential for movement between levels. While a student may commence on a foundation year, they may transfer programme and continue on a non-integrated programme. This could also happen between continuation and completion. These movements in the student population would need to be considered.

It would also be important to set out how students who receive a fallback award would be considered by this approach. e.g., enrolled on an MA but exiting with a Postgraduate Diploma.

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)?

Whilst we can see the benefit of identifying pockets of performance below the numerical baseline, below the provider level, we would be cautious and hesitant in doing so due to the statistical uncertainties this would bring about for smaller providers.

Further to this, the proposed use of the common aggregation hierarchy (CAH) at level 2 continues to place some practice-based subjects together that are distinctly different (e.g., Music and Drama, Art and Design). In cases where two subjects are taught within one CAH, poorer performance in the larger of the two subjects could warrant the whole subject being monitored, but inversely strong performance in a larger subject could hide poor performance in a smaller subject.

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’?

Broadly we agree with the demographic characteristics proposed, however, there are limitations to these when they are quite broad level. For example, ethnicity is currently only considered on a very broad basis (e.g. Black and Asian), which risks concealing wide variation of performance within each category (e.g. Asian – broken down into Indian, Chinese, Bangladeshi etc).

We question whether Participation of Local Areas (POLAR) quintile and English Indices of Multiple Deprivation (IMD) quintile are required to show the performance of different student demographic groups. For institutions in London, POLAR does not work sufficiently as there are few low participation areas in London, and numbers of students recruited from these areas can be small calling in to question the statistical robustness.

We believe in the importance of intersectionality in understanding quality and standards and suggest that the intersectionality of the data be considered rather than each (or as well as each) demographic in isolation. Admittedly, this has been considered by the consultation document, but it does seem an opportunity for the OfS to help identify which intersections are important for focus.

LGBT is also missing currently from the list but appears in other measures as influencing outcomes, so it is odd that it is missing here. We believe that this is an omission that should be rectified.

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)?

Disagree. The limitations of LEO data should be acknowledged.

Some datasets do not apply to all students and subject areas or is at best unreliable. Graduates of some discipline areas take longer than the timescales used in these metrics to reach their career heights. The metrics chosen are based on assumptions that are being made about the aspirations of graduates. There are numerous reasons why a learner might choose to engage in high level study and not all will have the aspiration for, or choose to measure their success by reaching a certain salary threshold or moving into professional employment.

As such, it is our preference that longitudinal data are not used as this links a student's choice(s) post university to the university they attended. Of course, universities should be equipping graduates for the workplace, but 'performance' is being linked to universities years after a student has left.

There can be inherent bias in the employment and longitudinal data for students attending institutions in London and then seeking work in London, for example, regional variations in salary rates, and competition for and availability of jobs.

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)?

We broadly agree with this proposal, noting that there would be further consultation on the level at which the baseline would be set. Whilst the aim is to raise the level at which the current baseline is set, it is important that this remains at a level that is realistically achievable for all institution types.

Does this mean we have departed from institution level benchmarks and the differences between institutions? Sector level distributions will not take account sufficiently for ethnicity, potentially disability, and IMD which may vary substantially from institution to institution.

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)?

It is important that the OfS continues to take contextual factors into account in its assessment of a provider's performance and in this respect the factors set out in the consultation appear reasonable. As pointed out in paragraph 69, if this principle is accepted there will be further consultation on how performance against the indicators will be assessed and how the contextual factors will be taken into account. It will be important to ensure that these are given appropriate weight if their inclusion within the process is to be meaningful.

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?

We disagree. There appears to be a possible contradiction of baseline requirements of the conditions of registration.

The narrative behind TEF does not support the inclusion of this here. The lowest available category within TEF is 'Bronze', which within that narrative suggested that 'Bronze' was above baseline quality. However, the current consultation appears to suggest that Bronze (assuming at provider rather than any future subject level) would prompt further investigation/assessment by the OfS, suggesting it was below baseline quality. Therefore, a provider could meet the baseline indicators set for B1 to B4, but if 'Bronze' in TEF an institution would be assessed as falling below baseline requirements.

The future of TEF is yet to be defined, so it is difficult to comment fully on its inclusion without knowing what it will look like.

How can the NSS be used as an indicator of a potential risk in quality and standards, if the OfS is carrying out a review of the survey and questions are being raised on its accuracy and usefulness in reflecting student views? Equally, it is difficult to comment further on the use of reportable event data, given the current consultation on this.

The suggestion to use complaints data and OIA cases as lead indicators does not recognise that the OIA handle complaints for non-academic matters (for example, accommodation), thereby with no relevance to quality and standards. Reference to outcomes of OIA complaints rather than inputs into the system might be more helpful.

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?

Agree.

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?

Institutions might take a hard line and close some lower performing programmes, which might add-value in other ways, as such programmes may bring down the institution's metrics.

This revised approach may dissuade institutions from risk-taking, introducing new types of qualifications and branching out into new discipline areas which may take time to build momentum, for fear of negatively impacting their overall performance data. Institutional focus would also move from enhancement to meeting baseline requirements.

This will negatively impact those institutions with a strong access and inclusion mission.

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

We would reiterate the point made in response to question 2a that not considering benchmarking or contextualising minimum or threshold metrics of quality and standards, risks disadvantaged students and often those from BAME communities being denied the opportunity of engaging in life-changing higher education opportunities. It also risks reversing progress already made by providers in increasing access and participation of these under-represented student groups.

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

Continue using existing datasets wherever possible and operating a risk-based system, in order to minimise institutional burden wherever possible.

Question 8: Do you have any other comments?

The reputational risk to the sector internationally is of concern.

Phase 1 and 2 of this consultation comes at a time when we are taking extraordinary steps to support students navigating the complexities of the Covid-19 pandemic. Higher education institutions are particularly stretched at present, so any time spent on responding to this consultation ultimately detracts resource from prioritising students' needs. It is also true to say that the shorter- and longer-term impact and inequalities stemming from Covid-19 are as yet not fully known. On this basis, we do not believe that this is the optimal time to be substantively changing how we are assessed on quality and standards.