Russell Group response to the OfS consultation on quality and standards

1. We welcome the opportunity to respond to this consultation and look forward to continuing our engagement with the OfS as the regulatory approach to quality and standards is developed further in 2021.

2. The extension to the submission deadline is helpful, but this is an extremely challenging time for the sector to give thorough consideration to the proposals outlined. Many of the issues posed in this consultation require consideration alongside a full assessment of the proposed baselines and the future development of the TEF. Therefore, whilst we have responded to some of the proposals, we consider that a fuller response will only be possible through a more holistic consideration of these issues within phase 2.

3. We recommend that the OfS treats responses to phase one of their consultation as broadly indicative of whether the sector supports their intended approach and does not make any firm conclusions or regulatory changes until phase 2 is complete and it has had the chance to consider the sector's response in the round.

4. We support the OfS' commitment to principles-based and risk-based regulation as per the Higher Education Research Act, which if fulfilled, will better enable the OfS to deliver against their ambition, and the ambition of the government, to reduce unnecessary bureaucratic burden. We encourage the OfS to ensure the commitment to this approach runs right the way through its operations and communications so this intention can be translated into reality. Our experience is that well-meaning changes by regulators often create more burden for institutions and/or that regulatory simplification in one area is often offset by increases elsewhere, which is unhelpful.

5. Our response includes a series of recommendations which we urge the OfS to reflect on as its approach is developed. These include:

   - Maintaining a distinction between institutional performance within the Teaching Excellence Framework and the regulatory baseline thresholds
   - A full review, in consultation with the sector, on the level of granularity possible for assessing performance given the need to ensure robust data and statistical analysis
   - Ensuring UK higher education upholds standards which are internationally comparable and continue to recognise the important role externality plays in safeguarding quality.

1. **Baseline thresholds**

1.1 We support the establishment of challenging baselines which we consider will better enable the OfS to deliver a risk-based approach to regulation. We share the OfS' commitment to the principle that all students are entitled to the same minimum baseline of quality. We also support the proposal to use absolute values alongside contextual information to assess and determine a provider's performance against regulatory baseline standards, which we consider will best enable the regulator to establish an accurate reflection of a provider's performance.

1.2 While we regard the contextual factors outlined by the OfS to be comprehensive, we consider that the weight placed on these factors should be informed by the extent to which the provider has underperformed against the baseline, as well as the longer-term data.
trends. We encourage the OfS to consider how they can embed these considerations into their approach.

1.3 We particularly welcome the commitment from the OfS to consider external factors outside the provider’s control. Ensuring a thorough and genuine consideration of these external influences is vital to avoiding any unintended negative consequences for widening participation efforts. It is also important given the different local and national restrictions brought in over the last year to deal with the Covid-19 pandemic. We look forward to engaging in a robust conversation around the detail of these external factors in phase two.

1.4 While we understand the OfS has an appetite to assess performance at a more granular level, including consideration of performance at subject level, there is an ongoing tension between granularity and statistical robustness, and we remain cautious about the degree to which the available data can support this approach. Given that the OfS intends to take regulatory action in cases where an aspect of a provider’s provision has breached established thresholds, it is vital that the underpinning data is both statistically robust and reliable.

1.5 One of the key challenges in this area remains how the regulator will identify distinctions between random and/or insignificant fluctuations and genuine shifts in the quality of provision. We recommend the OfS gives careful consideration to the way in which they interpret year-on-year variations in the statistics, as well as the conclusions they draw from this. It is vital that this process is undertaken in dialogue with the sector and includes a genuine exploration of the level of granularity which can be achieved. In the absence of a robust approach in this area, the validity of this process, the risk-based nature of regulation and the integrity of the framework would all be undermined.

1.6 It is concerning that the OfS has set out their intention to undertake further assessment and/or investigations into providers who receive the lowest TEF awards. This appears to contradict and undermine the purpose of the TEF as an enhancement tool which will drive quality above the baseline. At the very least, this proposal would duplicate effort and create additional burden for universities – and hence move away from the stated aims of Government to reduce unnecessary burden on institutions.

1.7 This approach would also run the risk of confusing students as it would become even less clear what a Bronze TEF award represents. The consultation states that the TEF will promote excellence and outcomes above threshold standards; in order to fulfil this aim, we urge the regulator to maintain a clear distinction between performance against the baseline and performance within the TEF and avoid undertaking regulatory action in response to TEF bronze awards.

2. Indicators of quality and standards

Admissions

2.1 We are concerned that some of the proposed admissions indicators that providers will be judged on reflect applicant choice rather than an institution’s efforts or performance. For example, including patterns of applicants, offers and acceptances in a quality assessment runs the risk of creating perverse incentives for institutional admissions teams. It is vital that each provider continues to be able to judge whether an applicant is suitable for and able to complete their chosen course and the current proposals risk undermining institutional autonomy surrounding admissions.
Student complaints

2.2 We are concerned about the proposals to use student complaints as a way of determining quality and standards, because as proposed we do not think this will allow proper consideration of the wider context and external circumstances that can impact student experience/dissatisfaction. We regard this proposal as a crude indicator which will not offer a fair and balanced insight into the quality and standards of a particular institution. It is also a factor which is highly subject to influence by external factors beyond the control of the institution, for example instances of complaints in the context of strike action or as illustrated by the last 12 months changed modes of delivery in light of the pandemic. The latter is of particular concern in that while our universities have done all they can to continue to provide a high-quality teaching and learning environment for all students, general anxiety about the pandemic, and its real and perceived impact on sections of society, is out of the university sector’s control and yet is likely to have an impact on student experience.

2.3 The variation in the way in which institutions record incidents of complaints, especially in respect of informal complaints which the OfS intends to consider, is also likely to skew the assessment and impact its effectiveness as an objective measure of quality. For example, a higher proportion of complaints may be reflective of a more easily accessible and transparent complaints process. We support the OfS’ existing approach where the number, nature and pattern of student complaints submitted to the OIA are considered within the wider conditions of the regulatory framework.

Degree classifications

2.4 We do not agree with the OfS’ intention to include data surrounding degree classifications within their metrics of quality indicators. A number of studies, including by the OfS,\(^1\) has attempted to identify and distinguish explained from unexplained trends in degree classification outcomes. However, these studies have acknowledged that these trends are very difficult to measure and cannot capture the full range of contributing factors. Given that these issues have not been resolved, we recommend the OfS exclude any assessment of this data from its quality indicators. The data for those graduating in 2020 (and possibly 2021) will also be anomalous given the very specific circumstances students and universities have had to cope with during the pandemic.

Data sources for indicators

2.5 The OfS states an intention to use graduate employment rates, including progression to professional and managerial jobs and higher-level study, as an indicator of student outcomes. However, it is not clear which dataset would be used for this purpose. While the Graduate Outcomes Survey provides a rich dataset of information, the statistics released so far have been experimental and it is unclear how the data will develop over time. There are also limitations to this dataset, including that it is only a snapshot 18 months after graduation, which limits insight into the future trajectory of these students.

2.6 OfS should also recognise the limitations associated with the Longitudinal Educational Outcomes (LEO) dataset. For example:

- LEO data does not consider which geographic region graduates work in. This is problematic as earnings can differ dramatically between different parts of the UK.

\(^{1}\) https://www.officeforstudents.org.uk/media/55b365fd-2d77-46c0-a8ad-45304047a0be/analysis-of-degree-outcomes-over-time-2020.pdf
LEO earnings data relates to salaries three years after graduation. It is likely that any given course or institution will have changed significantly between when the student started their course and the data that becomes available and as such should be interpreted cautiously.

LEO does not capture international students or those who have entered postgraduate study.

While we support the use of LEO, it is vital that these challenges are considered and we ensure that this data is not the only measure of quality used to assess a provider’s performance.

2.7 We recommend that the OfS engages closely with the universities and Higher Education Statistical Agency to establish how best graduate outcomes can be captured and measured by the regulator.

3. Enhanced monitoring

3.1 We cautiously welcome the OfS’ intention to minimise their use of enhanced monitoring. While we support this shift in principle, which we consider has the potential to better support a more risk-based regulatory approach, it places a high degree of importance on open and effective channels of communication between the OfS and providers. In the absence of this, we run the risk of minor concerns being unnecessarily escalated to new specific regulatory conditions, undermining the risk-based nature of the framework. It will therefore be critical for the OfS to deliver on its intention to improve its dialogue with providers and to work in partnership with institutions and sector stakeholders.

4. Data requirements

4.1 While we recognise that a risk-based regulatory approach will need to be underpinned by data, we would urge the OfS to consider the burden associated with regular data submissions and ensure we achieve a proportionate approach in this area.

4.2 For example, this could be a particular issue if validating providers are made responsible for collecting and submitting data for students enrolled at another provider. This would represent a significant increase in the burden placed on these institutions and may act as a disincentive to these arrangements in future.

4.3 We would welcome clarification from the OfS on whether it intends to collect in-year data and how these requirements may vary according to the risk profile of the provider to ensure they remain proportionate for the institution in question.

5. Transparency

5.1 While we share the OfS’ view regarding the importance of transparency, we are mindful of the risks associated with publishing a comprehensive suite of indicators without sufficient explanation and context. If this approach is adopted, it is vital that the OfS carefully consider the ways in which this data is released and communicated to ensure both students and other stakeholders are supported to accurately interpret this information. OfS should also consider the impact this could have on the international competitiveness of the UK sector, especially in comparison to countries that do not publish these datasets.

6. Sector-recognised standards

6.1 The Quality Code is both well understood and respected nationally and internationally. Given this, we would support continued reference to the Quality Code within both the regulatory framework and the underpinning guidance. One of the key elements of the Quality Code is the importance it provides to active student engagement, and it is crucial this
is maintained. The Quality Code also represents one of the remaining ties underpinning the UK regulatory and quality framework. It is vital that this is upheld if we are to maintain UK-wide comparability and we ensure we safeguard our international partnerships. Given this, we strongly urge the OfS to ensure that the Quality Code retains its current status within the regulatory framework.

6.2 It is vital that any approach adopted by the OfS ensures that the external assessment of UK higher education upholds standards which are internationally recognised, for example the European Standards and Guidelines (ESG)

2. The ESG states that as institutions formulate quality assurance policies these should be developed and implemented alongside the involvement of external stakeholders. **In order to safeguard the international competitiveness and credibility of our sector, it is important that the approach pursued by the OfS aligns with such standards and includes a recognition of the significant role which this externality serves, including peer review and external examiners.**

6.3 We also encourage the OfS to ensure effective join-up between their regulatory activities and those of the designated quality and data bodies, as well as the approaches adopted within the devolved nations to ensure we achieve a holistic approach to quality and standards which avoids any unnecessary duplication of effort. It is important to ensure that reductions in bureaucratic burden in one area are not simply replaced by new requirements elsewhere.

6.4 While the OfS has proposed to add the UKSCQA sector-recognised standards to their definition of ‘standards’, we support the continuation of these standards as a voluntary code of practice. These standards were not designed with the intention of becoming part of the official regulatory process, and formalising compliance would represent a weakening of institutional autonomy. **Therefore, we recommend these sector-owned standards are not formally embedded into the regulatory framework.**

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