# **Questions relating to proposal 1: impose three general ongoing conditions of registration relating to the quality of a provider’s courses**

**Question 1a:**Do you agree or disagree with the proposed introduction of ongoing condition B1 and associated changes to the OfS’s regulatory framework as set out in Annex A?

Disagree.

**Question 1b:**Please give the reasons for your answer to Question 1a.

We agree, of course, with the principle that students should receive a high quality academic experience, as expressed in B1.2. However, we do not agree that the OfS should be forming its own judgements on the proposed additional points of academic detail (as set out in the definitions and accompanying guidance) in order to reach a regulatory decision regarding academic quality. In our view, these details are matters of academic judgement rather than regulatory judgement.

Key concerns we wish to highlight are as follows.

* The vast majority of the indicative points listed in B1.3, B1.4 and the accompanying guidance as comprising a high quality academic experience are, as acknowledged in paragraph 6, “matters that relate to the curriculum and pedagogy” (such as whether a course has up-to-date subject matter; is sufficiently rigorous; has an appropriate balance of lectures and seminars; or has an appropriate number of optional modules). These, and numerous other examples, are detailed matters of academic judgement that should not be the concern of a national regulator. We consider that, as an autonomous academic institution, the provider itself is best placed to assess these matters, drawing upon its pedagogic and disciplinary expertise and taking into account existing independent external input and sector reference points, without the need for intervention by the regulator or specially commissioned academic expertise.
* The academic considerations noted above are already built into the sector’s long-established and well-regarded internal and external quality assurance processes, not least the external examiner system, which assesses and ensures comparability of standards within UK higher education. We would argue that the OfS’s regulatory focus should be on any apparent failings in these systems, which should already be coming to the institution’s and the OfS’s attention through existing mechanisms (for example, student outcomes, surveys and complaints). This would be a more proportionate and appropriate approach than increased regulation of the academic details of courses themselves, which represents an unnecessary and inappropriate level of intervention into academic judgement and institutional autonomy.
* As noted by Smita Jamdar (Shakespeare Martineau), “Drawing upon academic expertise [as referenced in several places within the consultation document] does not mean following it” [[1]](#footnote-1). Presumably, therefore, academic judgements could in theory be made by OfS staff who did not have the necessary expertise or experience. This seems to contradict the Higher Education and Research Act (HERA) aim of establishing a suitable body (i.e. the DQB), which commands the confidence of the sector, to secure the effective assessment of quality and standards.
* Condition B1 also appears to encroach upon the remit of PSRBs. Guidance point 8e indicates that the OfS would be concerned if a course did not contain content required by a PSRB. We would argue that this is a matter for the PSRB to address through its normal review and accreditation processes. If an institution lost or was refused accreditation, that might warrant investigation by the OfS (depending on the individual circumstances), but an issue relating to individual course content would not necessarily lead to this nor require OfS intervention. We would welcome clarification of how the OfS intends to work with each PSRB to ensure that existing quality assurance and accreditation processes are not duplicated, which would undoubtedly lead to an increase in burden for all parties.
* Point 9c of the guidance notes that the OfS would be concerned about “a research degree course that is focused on a narrowly defined research question that provides limited scope for original ideas”. Given that research questions are normally specific to each student’s own thesis, this suggests that the OfS is proposing to regulate at the level of the individual student, which is surely not the intention. Even if it were, this is a further example of an issue that should be identified and addressed through internal and external quality assurance mechanisms without requiring intervention by the OfS. Furthermore, a question that may be considered to be “narrowly defined” does not limit the depth to which that question is explored, nor therefore the originality of ideas that may arise.

**Question 1c:** Do you have any alternative suggestions to the proposal in Question 1a?

As noted in our response to Question 1b, we are not supportive of the proposed approach for making regulatory decisions based on matters of academic judgement that are already managed and quality assured by existing internal and mechanisms (including external examiners and PSRBs). We would urge the OfS to reconsider its approach to condition B1 on this basis, focusing on the outcomes and impact of these existing systems alongside high-level principles, rather than on the content and delivery of individual academic courses.

We are not supportive of the proposal to engage independent academic expertise as we do not feel that the OfS should be taking regulatory decisions based upon the academic details proposed. However, we would equally not wish to see these decisions being taken by the OfS *without* academic expertise, if the condition remains as proposed. In that case, we would strongly recommend that this is undertaken through the QAA as Designated Quality Body (DQB), drawing upon its existing networks, rather than separately by the OfS.

**Question 2a:**Do you agree or disagree with the proposed introduction of ongoing condition B2 and associated changes to the OfS’s regulatory framework as set out in Annex A?

Disagree.

**Question 2b:**Please give the reasons for your answer to Question 2a.

We agree with the principles that students should receive appropriate support and resources, and that there should be effective student engagement.

However, the requirement to “ensure” that students succeed “in and beyond higher education” is problematic. This is not solely the responsibility of the institution, nor is it completely within institutional control: student success while in higher education also relies upon the individual efforts of each student to engage with their learning, and student success beyond higher education is subject to a range of factors, over many of which institutions and the sector have limited influence. Furthermore, there is no single interpretation of “succeed”, and it is not clear how the OfS intends to define this in the context of condition B2.

The requirements relating to staffing are also problematic. Similarly to our concerns regarding condition B1, we do not feel that it is appropriate for the OfS to form its own judgements on whether staffing for an individual course is “sufficient in number” or “appropriately qualified”. The precise number of staff required, and their qualifications, are a matter for each autonomous institution to decide, based upon its own size, shape and context and informed by academic judgement. It is even more inappropriate for the OfS to consider any matters relating to individual staff members, which paragraph 28 of the guidance does not rule out. This represents a further example of regulatory over-reach into internal governance and deployment of resources.

Paragraph 32 of the guidance states that students should “have” appropriate hardware, software and internet access. This could be interpreted to mean that institutions are responsible for supplying this beyond the boundaries of the campus or institutional digital environment, which is neither appropriate nor possible.

**Question 2c:**Do you have any alternative suggestions to the proposal in Question 2a?

We would strongly suggest that the language in B2.2a and B2.2b is changed to “enable” student success rather than “ensure”.

We would also strongly suggest that matters relating to staffing – in particular, any issues relating to individual staff – are removed from the condition and guidance. For the reasons noted in response to question 2b, it is inappropriate for the OfS to be assessing these matters in the detail suggested for the purposes of regulation. Instead, the OfS should focus on the overall quality of provision and impact upon students, rather than the nature and expertise of staffing itself.

The references to students “having” appropriate hardware, software and internet access should be amended to “having access to” or similar.

**Question 3a:**Do you agree or disagree with the proposed introduction of ongoing condition B4 and associated changes to the OfS’s regulatory framework as set out in Annex A?

Disagree.

**Question 3b:**Please give the reasons for your answer to Question 3a.

We agree with the principles regarding effective, valid and reliable assessment, and credible awards.

However, we again have concerns regarding the role of the OfS in assessing compliance with the details of this condition. For example, “credible” is defined as “reflecting students’ knowledge and skills” and “assessed effectively” is defined as “providing stretch and rigour” and “testing relevant skills”. While these are reasonable definitions, it should not be the role of the OfS to determine compliance with them: these are again matters of academic judgement, which is quality assured through existing internal and external mechanisms. Specific examples (not exhaustive) are as follows:

* The guidance states that “a course that assesses a limited range of subject matter, or knowledge and skills would be likely to be of concern” (paragraph 50b). This surely depends on the course in question, and would be a matter for internal and external subject experts to determine when developing and reviewing the course. This approach is also unhelpful given that condition B4 applies to any award of credit (paragraph 56a of the main consultation document), which could include individual modules and microcredentials that legitimately have a specialist and therefore relatively narrow focus.
* Paragraph 50d of the guidance indicates that the OfS would be concerned if feedback was not provided “in time for students to learn from it before the next assessment”. This is one example of a level of detail that should not need to be monitored by a national regulator unless significant or thematic concerns had been raised through other, existing, mechanisms.
* With regard to the proposal to require institutions to penalise a lack of proficiency in the use of written English, we accept that effective communication and language skills are an important outcome of higher education in general terms. However, the extent will depend on the type of course and its learning outcomes. It is also important to recognise that students with disabilities such as dyslexia must not be disadvantaged by a blanket approach such as that proposed by the OfS.
* Paragraph 52 suggests that any change to regulations might be a concern. Although the illustrative example focuses on a change that results in a concern regarding the academic standards of degree classifications, the way this point is worded suggests that the OfS might scrutinise any and all regulatory changes. This would be inappropriate and overly burdensome. The OfS would also need to take into account context; for example, a regulatory change that serves to reduce attainment gaps may ultimately lead to an increase in higher degree classifications, but this would be a positive outcome rather than a concern.

We agree that it is important for all institutions to detect and minimise academic misconduct. However, it is not clear how the OfS intends to assess whether an institution has taken “reasonable steps” in this regard (50g of accompanying guidance), nor whether assessments have been designed to facilitate this (56c of main consultation document) without detailed investigation such as review of individual assessment design and student cases. We would oppose this as a further example of excessively detailed regulation and a matter of academic judgement that would also create additional burden for institutions.

**Question 3c:**Do you have any alternative suggestions to the proposal in Question 3a?

In general terms, and similarly to previous answers, we feel that the OfS should reconsider the approach to assessing compliance with condition B4 so that the definitions and accompanying guidance do not include matters of detail and academic judgement that are best determined by institutions themselves. As indicated in response to previous questions, the OfS should focus instead on overall outcomes and any significant issues or themes, rather than the detail of individual assessments and regulations.

We would suggest in particular that the reference to English language proficiency is removed; that the reference to regulatory changes is clarified; and that the points regarding academic misconduct are clarified.

# **Questions relating to proposal 2: impose one general ongoing condition of registration relating to the standards of a provider’s courses**

**Question 4a:**Do you agree or disagree with the proposed introduction of ongoing condition B5 and associated changes to the OfS’s regulatory framework as set out in Annex B?

Disagree.

**Question 4b:**Please give the reasons for your answer to Question 4a.

We agree with the principle that awards should be consistent with sector-recognised standards, and only granted to students whose knowledge and skills are consistent with those standards. This is a fundamental principle that already underpins UK higher education and has contributed to its long-standing high reputation in the global higher education sector.

We also agree that it makes sense to remove specific references to the Framework for Higher Education (FHEQ), but to use the content itself within Annex D, as this future-proofs the condition. We would query, however, whether formalising the content of the FHEQ within the condition itself means that it will no longer be maintained by the QAA with input from the sector, which in our view would be unwelcome.

We note that adoption of the degree classification descriptions developed by UKSCQA would become a further mandatory requirement for institutions, with the potential for regulatory intervention, which was not the original intention and creates a further burden. It would be our preference that the descriptions remain as good practice rather than a mandatory requirement, given that there are already well-established internal and sector-wide mechanisms in place to assure academic standards. These include internal quality assurance processes such as marking criteria, moderation processes and exam board processes, the external examiner system, and oversight of professional courses by PSRBs. However, if adoption of the descriptions remains mandatory, we would suggest further consultation as set out in response to Q4c, below.

We object strongly to the proposal that the OfS and/or QAA as DQB will need access to students’ assessed work. It is inappropriate for a national regulator to scrutinise students’ assessed work – this again oversteps very clearly into matters of academic judgement and duplicates existing roles and systems. Internal and external processes of marking and moderation, including external examining, should provide the evidence and outcomes required to assess compliance without the need for direct access to scripts. The proposal also suggests a somewhat simplistic view of methods of assessment, as it is unclear how non-written assessments such as presentations or performances would be reviewed.

There would also be increased administrative burden for institutions in ensuring that assessed work is available for students who are no longer registered, if it is expected that this will be retained beyond institutions’ own records retention policies and in line with GDPR requirements (which is not clear from the consultation document). It would be inappropriate for the OfS to draw negative inferences or take regulatory action in the absence of these records without having specified the period for which they should be retained. There would also be additional logistical considerations in terms of storage and access.

**Question 4c:**Do you have any alternative suggestions to the proposal in Question 4a?

We would suggest that the content of the FHEQ remains within the ‘ownership’ of the QAA, ensuring that it is maintained and developed by the expert quality body with appropriate sector input.

We would encourage the OfS not to add the degree classification descriptors to the mandatory sector-recognised standards. We would suggest that the descriptions should be available to the sector as good practice, but that adoption should not be made mandatory and there should be no associated regulatory intervention. However, if the descriptions do become mandatory, we would suggest that they are consulted upon further with a group of UK institutions who have the highest international rankings to ensure that they include sufficient academic challenge and will have credibility globally.

We would urge the OfS not to take on the role of scrutinising students’ assessed work. As noted in response to question 4b, we consider this to be wholly inappropriate, unnecessary and a source of additional administrative burden both for the OfS and for institutions, and it is not clear how it will add any value to the maintenance of standards or the student experience.

# **Questions relating to proposal 3: impose two initial conditions of registration, one relating to the quality of, and one relating to the standards applied to, a provider’s course**

**Question 5a:**Do you agree or disagree with the proposed introduction of initial condition B7 and associated changes to the OfS’s regulatory framework as set out in Annex C?

Agree.

**Question 5b:**Please give the reasons for your answer to Question 5a.

We agree that it makes sense to express initial conditions differently in order to recognise the context for new providers who may not have delivered HE before. We agree that the QAA as DQB is best placed to conduct a quality review to assess compliance with this condition. Notwithstanding our concerns about encroachment upon academic judgement and institutional autonomy detailed in response to previous questions, we are supportive of a more robust approach for new providers in order to prevent lower-quality provision entering the sector.

**Question 5c:**Do you have any alternative suggestions to the proposal in Question 5a?

No.

**Question 6a:**Do you agree or disagree with the proposed introduction of initial condition B8 and associated changes to the OfS’s regulatory framework as set out in Annex C?

Agree.

**Question 6b:**Please give the reasons for your answer to Question 6a.

As with condition B7, we agree that it makes sense to express initial conditions differently in order to recognise the context for new providers who may not have delivered HE before. We agree that the QAA as DQB is best placed to conduct a standards review to assess compliance with this condition. Notwithstanding our concerns about encroachment upon academic judgement and institutional autonomy detailed in response to previous questions, we are supportive of a more robust approach for new providers in order to prevent lower-quality provision entering the sector.

**Question 6c:**Do you have any alternative suggestions to the proposal in Question 6a?

No.

# **Questions relating to proposal 4a: commission the designated quality body to provide evidence about compliance with the initial conditions for a provider seeking registration**

**Question 7a:**Do you agree or disagree with the approach to information gathering and assessment proposed in paragraphs 85-90 above and as set out in the proposed guidance for initial conditions B7 and B8 in Annex C?

Agree.

**Question 7b:**Please give the reasons for your answer to Question 7a.

We agree that is it appropriate for the QAA as the expert DQB to gather evidence to support new providers’ applications to join the register. In cases where the risk of non-compliance is judged to be low and DQB input is not considered necessary, we also agree that QAA may not be required in in order to maintain a risk-based approach and reduce regulatory burden, but we agree that the QAA should be consulted before reaching a decision of this nature.

**Question 7c:**Do you have any alternative suggestions to the proposal in Question 7a?

We would welcome clarity on the status of the evidence and judgements made by the QAA, including whether the OfS could overrule a QAA decision and what the rationale would be. We would not support any move towards the OfS undertaking its own evidence-gathering and assessment process separately from that of the QAA, given the latter’s expertise in quality and standards, which is crucial in maintaining the confidence of the sector and will be fundamental in assessing compliance with conditions B7 and B8.

# **Questions relating to proposal 4b: operate a flexible, risk-based approach to evidence gathering and investigation for registered providers**

**Question 8a:**Do you agree or disagree with the approach to information gathering as part of an investigation proposed in paragraphs 91-98 above and as set out in the proposed guidance for conditions B1, B2, B4 and B5 in Annexes A and B?

Agree.

**Question 8b:**Please give the reasons for your answer to Question 8a.

We welcome the commitment to a flexible, risk-based approach to gathering evidence, and the proposal to target specific issues of concern in the first instance rather than instigating a broader review. We also welcome the proposal to engage with institutions about any emerging issues of concern, and to use less intrusive means of resolving issues. We are supportive of the intention that the QAA will undertake the evidence-gathering in relation to standards and, where appropriate, quality matters, as this recognises that they are the expert body in this field.

**Question 8c:**Do you have any alternative suggestions to the proposal in Question 8a?

We would urge the OfS to use the expertise of the QAA undertaking evidence-gathering in relation to quality matters, as well as standards matters. It is not clear from the current proposals why the OfS might undertake this activity themselves, or appoint an alternative body to do so, when the QAA as DQB is best placed for this. If the proposal is not changed, we would request that, for transparency, the OfS provides a clear rationale in any case where the DQB is not used for this purpose.

As noted in response to Question 1b, if academic expertise is to be used above and beyond that already engaged in existing internal and external quality assurance mechanisms, this should also be undertaken through the QAA and its expert academic networks, as they are best placed for this type of activity.

We would request greater clarity on the threshold for investigation of a potential breach. For example, the proposed wording of condition B1 focuses on “each higher education course”, suggesting that a concern relating to an individual course might be sufficient to trigger an intervention. We assume that this is not the intention, given the overall risk-based approach and the potential for excessive burden both for the OfS and for institutions, as well as concern amongst students, if there were to be multiple small-scale investigations.

# **Questions relating to proposal 4c: take account of a provider’s compliance history in relation to the quality and standards conditions for the purpose of determining eligibility for other benefits of OfS registration**

**Question 9a:**Do you agree or disagree with the approach to taking account of a provider’s compliance history for the purpose of determining eligibility for other benefits of OfS registration proposed in paragraphs 103-126 above and as set out in the proposed guidance for conditions B1, B2, B4 and B5 in Annexes A and B?

Disagree.

**Question 9b:**Please give the reasons for your answer to Question 9a.

Given the severity of the potential sanctions, there is currently insufficient detail regarding how an institution’s compliance history would be taken into account: for example, what type of breach, how recent and how serious it would need to be (and how that severity would be judged) in order to call into question the institution’s degree awarding powers, university title or TEF eligibility. As the revised conditions include considerably more detail about underpinning expectations, there is a risk that a relatively minor issue could be considered a breach, thereby leading to a disproportionately severe sanction and an adverse impact upon an institution and its students.

Further, paragraph 104 indicates that a breach would be taken into account “whether or not we have used our enforcement powers in relation to a breach, or imposed requirements to mitigate increased risk of a future breach”. It would not be proportionate to take into consideration a breach for which no action has been taken. There is also the possibility that an overly aggressive approach will deter institutions from innovating, which always carries some risk in the initial stages of implementation.

In our view, an institution that has previously breached a B condition should not automatically be prevented from applying for, or obtaining, a TEF award. If an issue has been identified and satisfactorily addressed, it should still be possible to achieve ‘teaching excellence’: TEF eligibility and rating should be judged on own merits according to current criteria and institutional performance.

**Question 9c:**Do you have any alternative suggestions to the proposal in Question 9a?

Clarification of the approach in practice to taking into consideration an institution’s compliance history would be helpful, perhaps including examples of different scenarios and their impact. If the level of detail underpinning the conditions does not change, then the approach towards determining a breach must ensure that an institution’s compliance history is not adversely impacted by relatively minor issues.

For the reasons set out in response to Question 9c, we would suggest that a previous breach of a B condition should not automatically preclude a future TEF submission or award. It would be beneficial to consult further upon this as part of the forthcoming TEF consultation.

# **Questions relating to proposal 5: the OfS will use its role as the body responsible for External Quality Assurance for integrated higher and degree apprenticeships to inform its judgements about condition B4.**

**Question 10a:**Do you agree or disagree that the OfS should use its role as EQA provider to inform assessments of condition B4?

Disagree.

**Question 10b:**Please give the reasons for your answer to Question 10a.

We accept that regulation of L6 and L7 apprenticeships, as higher education, falls within the remit of the OfS as well as that of other bodies. However, apprenticeships have different and specific assessment requirements that are already heavily regulated/reviewed by the Institute for Apprenticeships and Technical Education, the EQA process itself (currently also becoming more rigorous), the Education and Skills Funding Agency, and now also Ofsted. There is a risk that apprenticeships become increasingly unattractive to high quality HE providers if the regulatory tangle surrounding them is too burdensome.

Unless integrated apprenticeships constitute a considerable proportion of an institution’s provision, or a significant issue is identified through EQA that would impact upon other provision, we do not feel that it would be helpful or appropriate for EQA to have undue influence on whether an institution is judged to have met condition B4: this would be disproportionate, and would add to the already considerable burden of regulation surrounding apprenticeships. The proposal also risks duplicating regulatory requirements between different organisations, which may result in inconsistencies in their assessments.

**Question 10c:** Do you have any alternative suggestions to the proposal in Question 10a?

We would suggest that EPAs are reviewed primarily through EQA, separately from considerations relating to B4. EQA should be used to inform the OfS of any issues arising that might impact upon other provision delivered by the institution, rather than serving as an additional layer of regulation for apprenticeships.

# **Questions relating to all proposals**

**Question 11:**Do you have any comments about the proposed implementation of the proposals in this consultation?

We feel strongly that implementation of the proposals in autumn 2021 does not allow sufficient time for the sector to ensure it can respond and, where required, adapt to the revised conditions.

We would suggest that the OfS publishes the consultation outcomes and finalised conditions in autumn 2021, if possible, but that they should not take effect until the start of the 2022/23 academic year at the earliest (and ideally to coincide with the implementation of any changes relating to B3 and the TEF, so that they are implemented as a coherent suite). This would be a more reasonable timeframe, given the ongoing impact of the pandemic and associated challenges such as accommodating increased student numbers in many institutions, alongside the additional consultation activity expected imminently. It would also mean that any changes to provision or processes would not need to be implemented mid-year, which could cause disruption and confusion for students.

We appreciate the need to ensure that any perceived issues of ‘low quality’ within higher education are being identified and addressed. However, a delay in implementing the revised conditions should not have an adverse impact on the quality of provision, given that any significant issues should already be drawn to the OfS’s attention through existing systems.

**Question 12:**Do you have any comments about any unintended consequences of these proposals, for example for particular types of provider or for any particular types of student?

As noted in response to Question 3b, there is a risk that students with disabilities such as dyslexia might be disadvantaged by a blanket approach to English proficiency. While individual reasonable adjustments should guard against this, we would encourage the OfS to undertake an equalities impact assessment on the proposals as a whole.

We note the explicit extension of the conditions to partnership activity, and the fact that more than one registered provider might be responsible for compliance with the conditions in relation to the same course. This appears to involve increased regulation and potential duplication, which we would consider unnecessary given the existing careful approach to ensuring comparable quality and standards within partnerships across the sector. This may disincentive institutions from entering into collaborative provision, as well as having a disproportionate impact on specialist institutions without degree awarding powers, thereby restricting innovation and opportunities for students.

**Question 13:**Do you have any comments about the potential impact of these proposals on individuals on the basis of their protected characteristics?

As noted in response to Question 12, we would encourage the OfS to undertake an equalities impact assessment on the proposals as a whole to ensure that there is no adverse impact upon any group of students (particularly those with disabilities, given the proposals regarding English proficiency).

**Question 14:**Do you have any other comments about the proposals?

Our comments are set out in detail in response to previous questions. However, we would reiterate the following key points:

* We are committed to delivering high quality for students, both within our own institution and as a sector. However, we are not convinced that the revised conditions will add value to students in practice. We feel that the level of detail within the revised conditions represents ‘micro-regulation’ and a move away from a proportionate, risk-based and principles-based approach that should be sufficient within a well-established and internationally well-regarded sector. This also increases the likelihood of breaches in relation to relatively minor issues, and may disincentivise innovation, all of which would have an adverse impact upon students, individual institutions and the sector as a whole, particularly compared to global competitors.
* Many of the details underpinning the conditions are matters of academic rather than regulatory judgement that are already managed and assured through existing internal and external mechanisms. We feel that the proposed approach represents a significant infringement upon institutional autonomy and academic judgement, and that it is indicative of regulatory over-reach on the part of the OfS into matters of internal academic provision and quality assurance. We would reiterate the value of the external examiner system in ensuring currency and comparability across the sector, and the national commitment to strengthening and developing the system further as embodied in the professional development programme being led by AdvanceHE. Further external assurance of quality and standards should then be undertaken by the QAA as DQB through its existing strong and effective engagement with respected academic colleagues. This will enable the arrangements for quality assurance to continue to command the confidence of the sector, as expected under HERA.
* On a further point relating to academic judgement, we note a likely conflict between the OfS proposals and the new Freedom of Speech Bill, given that (as expressed by Smita Jamdar, Shakespeare Martineau [[2]](#footnote-2)) proposed amendments to the Bill include extending the definition of academic freedom to include the freedom to decide what to teach and how, without institutional interference. The OfS’s proposals to regulate matters of academic judgement would directly contradict this approach.
* We note the OfS’s view that high-quality institutions should comfortably meet the revised conditions. However, the increased level of detail will inevitably lead to increased burden for all institutions, as well as for the OfS. This does not appear to be a valuable use of resources for teaching, particularly as the value of the tuition fee is being eroded over time.
* While we appreciate a flexible approach to the way in which institutions are able to meet the conditions, we do not agree with the decreased importance afforded to existing mechanisms such as the external examiner system and the UK Quality Code, given the essential role they play in ensuring comparability of quality and standards and the strong evidence that they have played an important part in upholding the international reputation of UK higher education. We maintain that removal of references to the Quality Code risks eroding the UK-wide approach to quality and standards and diminishes key sector-wide reference points, with a likely adverse impact upon the sector’s international reputation.
* We accept that the regulatory approach should extend to TNE and we note the OfS’s intention to strengthen its oversight in this area. However, it is important that the OfS’s approach recognises the role of local regulatory bodies and does not conflict with, or duplicate, their requirements. It will also be crucial to ensure that the OfS is able to gather robust data on TNE provision in order to inform any judgements made, given that the information available is currently limited in comparison with UK-based students. We recommend that further consideration is given to the approach, in consultation with the QAA and in-country agencies.

1. <https://www.shma.co.uk/our-thoughts/ofs-consultation-regulating-quality-and-standards-how-far-is-too-far/> [↑](#footnote-ref-1)
2. <https://www.shma.co.uk/our-thoughts/ofs-consultation-regulating-quality-and-standards-how-far-is-too-far/> [↑](#footnote-ref-2)