

# Consultation on quality and standards in higher education: raising the bar

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Which of the following best describes you?

**Other (please specify):**  
Executive of representative sector organisation

Are you submitting

A collective response?

Are you happy for your response to be published on the OfS website?

Yes, I am happy for my responses to be published

## Questions relating to proposal 1

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

Disagree

**Comments:**

The EPC is not reassured from the proposed definitions or approach to measuring what good looks like. It appears that the OfS is neither clear nor transparent about the purpose of the exercise nor about how this approach will support their aims.

Table 1 conflates quality and standards to the extent that it fails to adequately define what is being measured. Quality assurance of delivery and process is an activity distinct from the setting of minimum standards.

With engineering as an example, in any accredited engineering course there is already a clearly defined set of standards, governed across the UK by the Engineering Council and assured by Professional Engineering Institutions. Indeed, PSRBs already set standards in terms of learning outcomes in engineering and many other professional higher education courses. Critically, the manner in which HE institutions deliver an education that meets the standards is a matter for them and is central to institutional autonomy. This autonomy allows diversity of provision, which serves a diverse body of students and diverse societal, economic and labour market needs. Autonomy allows and even encourages innovative approaches and drives quality. OfS' focus on the adequacy of input and quality output deflects from the inherent value of a diverse range of high-quality inputs, which are ignored by the proposals but are what should be being endorsed and promoted.

If it is the intention of the OfS to introduce standards and kitemarked qualifications, we would suggest focusing attention on standardising outcomes in those subjects where there are no PSRBs and where universities therefore have total control over both processes and outcomes. Otherwise, it will be essential for the OfS to give serious consideration to how they intend to tie in provider standards set within sector standards with professional body requirements without leading to contradictions, conflicts and burgeoning bureaucracy that would add nothing and undermine autonomy.

The EPC does not fundamentally disagree with attempts to measure quality per se, but rather it is the measures proposed by the OfS that are a narrow, inadequate and unnuanced interpretation of quality (see our responses below). Moreover, what is measured will always draw the focus, distracting from other dimensions of quality, encouraging gaming of data and creating unintended consequences.

What is more, the onus on the provider to identify the additional support students need to successfully complete their course through their admissions processes is problematic in that, essentially, it renders the institution accountable for the addressing the failings of education and social policy and educational delivery pre-higher education. Although we recognise that the intention is to encourage institutions to add more value through teaching and support, the effect will obviously be the opposite in that it will encourage HE institutions to avoid selecting students with lower prior attainment or any other circumstances that might hamper their earnings outcomes (such as socioeconomic disadvantage, ethnicity, gender, disability, etc).

The EPC has conducted a consultation on the OfS proposals with our membership of over 8,000 engineering academics in more than 80 UK universities. The following selections of comments from their responses is provided below in support of our comments:

- It is not a definition. They are attributes perhaps. Quality as a definition is 'fitness for purpose'. There may be a standard which would be a badge of quality. I am also conscious of what value this move brings... I suspect that public institutions deliver the attributes in the table generally, but we are now presented with a clash of the market against a central system.
- The definition is fundamentally flawed. Apart from technical deficiencies (for example the Outcome Definitions are incomplete), these definitions are applicable for a training course, but not for Higher Education. Higher Education is a celebration of knowledge that goes far beyond just acquiring skills. It needs to aim for the highest learning levels of critical thinking and working with knowledge in the respective discipline. The definition does not cover what Higher Education is about.
- The setting of outcome targets will also lead to "creaming", which is the selection of students likely to succeed. Disadvantaged students will be hit by this, and it may lead to an overall worse learning experience for students.
- Overall, the proposal has not demonstrated that numerical measures are adequate for the purpose. In fact, the proposal fails to define what the purpose is, apart from a few cyclical references.
- I think there is muddled thinking about what they mean by quality and what they mean by standards - the reference to OfS baselines lacks detail. Quality by metrics works when there are a few obvious desired outcomes, it is less useful where there are complex trade-offs.
- Unless there is an external professional body that is internationally recognised as the quality and standards assessor, these definitions are fungible for gradual erosion of quality and standards to "market forces".
- How are you going to metricate this? 42 years of industry and HE (plus schools and college) teaching in a number of institutions in the UK and overseas has given me a viewpoint on what we need from a student to succeed, and I do not believe this is a single-entry score. This is a lifelong thing, and we need to look at

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

the journey so far, what are the students bringing with them and why? What are we putting into the curriculum that enables them to transition into industry, commerce, research etc. Are these things embedded in the teaching? Where is "experience" measured? I make these points from a stance of experience and research in the area.

- Although laudable in principle taken in the round these definitions could actually lead to grade inflation as a way of ensuring that the OfS numerical baseline is met.
- Outcomes: Why should being in a management role be an indication of success? Many graduates go into a range of jobs and roles and they should be free to choose their paths without interference from their universities (it will be in our interests to force away from certain careers). This politically devalues most degrees except sciences and some social sciences. Education needs to have 'value' in its own right. I say this as a scientist who values music, history, etc.
- The "successful outcomes" criteria depend on baselines that are not specified and may be inappropriate for some engineering courses, for example students completing an HNC or similar level 4 qualification taught in parallel with HND/FdSc/BEng provision to allow flexibility on progression. Running technician education in parallel with professional routes is particularly important in the South West where combining levels allows more focused specialism within a reasonable travel distance.
- It's all too vague and takes a one-size-fits-all approach to all tertiary education, which does not work. It's too bureaucratic and will just heap more work on already overloaded staff.
- The section on 'Successful Outcomes' appears worrying because continuation and completion rates are not only consequences of the quality of the tuition provided but also student engagement, general literacy, illnesses etc and so may depend strongly on the amount of recruitment of students from less favoured backgrounds, student progress to employment will depend strongly on geographics and the state of the local economy. The OfS numerical baseline values referred to several times are not defined themselves.
- Outcomes depend on a number of factors which are beyond the control of an HEI, and OfS has a poor grasp on how those factors affect different institutions.

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?

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OfS has a poor grasp of how student factors, including widening participation and protected characteristics, influence and are influenced by different institutions, different disciplines and different regions. The blunt refusal to use contextual data is extremely damaging to any notion of the quality of education as the value added; it is in direct conflict with the OfS's legal duty to promote fair access; and, by ignoring context, it will make the measures meaningless for anyone seeking to raise quality.

This proposed approach appears to be set up to encourage universities to admit high-performing students only, with the result that universities will be rewarded for doing as little as possible to reach as high as possible. It also discourages HEIs from admitting students whose earning potential is lessened by their characteristics (protected or otherwise). The best bet for any institution will be to try to recruit well-spoken, white, male, well-networked, able-bodied, tall, straight, students with good prior attainment. This totally defies the access and participation agenda. The access and admissions metrics are not nearly strong enough to rebalance this and these proposals threaten to undo years of hard-won marginal achievements in widening participation.

To drive genuine improvement and transformation, and to create the workforce of the future, we need to add value to the system, not exclude swathes of student who "have the capability and potential to successfully complete their course" but are disadvantaged by their circumstance. The best course is not the one with the best students but the one whose students learn the most and so progress properly.

We recognise and agree that all students need to reach an acceptable standard to pass a degree. These standards are set by PSRBs in the case of engineering and many other subject areas. As we have already said (see our comments on learning outcomes in question 1a), there may be merit in OfS establishing learning attainment standards (relating to competencies or knowledge gained) in subject areas that do not have PSRBs, but only insofar that institutional autonomy is not compromised in the process.

There is no benefit or justification for setting a baseline that relates to earnings or graduate level employment. This approach supports out-of-date thinking around measuring success through high-achieving entrants going on to learn large sums. It ignores the value of higher education in improving social mobility, developing local economies, serving the public good or even merely as personal self-actualisation. Income as a measure is particularly damaging to universities in deprived areas, as well as the regions themselves, and the students' community. It also relies on data that is necessarily historical – indeed, the more comprehensive the data is, the more historical it needs to be – and which is the product of global, national and regional market forces that are far beyond the control of whole HEIs, let alone individual faculties or degree programmes.

Universities play a key civic role as local and regional economic drivers and, together with the levelling up agenda, these form some of the key missions of local universities.

The only useful baseline on quality is value added; that you've learned enough to get a degree, despite inequalities not because of them. It is EPC's vehement view that anything else will do more harm than good.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- The successful outcomes are misplaced in this table. They might inform judgements, but they are not a direct consequence of a quality education. I am also nervous about the use of 'quality' in a table that is supposed to define quality.
- It is odd that measures are proposed without a clear idea how to measure them. The act of measurement is inherent in the definition of a measurement. How for example do you want to measure whether the qualifications remain relevant over time? That is the very definition of not measurable.
- Effective assessment needs a balance of 'un-gameable' metrics and peer review.
- Professional accreditation bodies should assess them, representing an external validation of quality and standards.
- They should not be assessed. They are already assessed by many other statistics and accreditation.
- Graduate salary should not be directly relevant; neither should 'value for money' as both devalue the broader educational benefits. Graduates should be surveyed about their degrees once they have had a chance to reflect on them and understand whether they have gained from them. Asking graduates whether their degree was useful before they graduate (worse, just as they complete their final assessments) is never going to yield a balanced result (c.f. please review your Amazon purchase before delivery - poor information).
- The use of "adequate" to describe resources and academic support is subjective and can only be assessed for particular cohorts rather than across a provider. For example the provision most appropriate for mature, work-based students is very different to that designed for full-time students progressing direct from compulsory education.
- You can certainly only compare providers of similar types of education to each other, i.e. not a regional college to an international university.
- In my experience there is a big variance in the understanding of quality, standards and appropriate measures of success across different subject areas.

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?

Disagree

**Comments:**

While the EPC supports the regulation of plans rather than outcomes, we do not feel there is enough clarity in paragraphs 41 to 43, resulting in ambiguity between registration and accreditation. The proposals should be more explicit in clarifying that OfS is not using track record, but instead an assessment of new providers' processes, to assure quality.

An equivalence of expectations for new providers, including on access and participation matters, is necessary to ensure a level playing field.

If quality as defined by OfS as a measure of outcomes, then new providers can only possibly be subject to standards tests. This is a good example of the problem with the overall proposals.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- The title of university and to enter the market should have a clear and demonstrative track record and so the previous oversight provider by a university with a college worked reasonably well.
- However worthy the intentions and plans of a provider, if the staff numbers and the resources to be committed are not adequate and if they are not unambiguously specified, there is little guarantee that such plans will be viable and that they will benefit the students in due course.
- New providers should meet the same standards of quality as for existing providers who are accredited by external professional bodies. It should be up to those bodies to address provisional accreditation on the basis of plans and provisions.
- Credibility of plans needs to be checked on a clear early timescale. This should be explicit in the proposal e.g. after 3/4 years (similar to provisional accreditation of new courses).
- I am concerned this opens the door for greater political favouring of private institutions through a market/business case approach to registration/approval of new HEIs. Private providers have not yet demonstrated success in terms of widening participation (generally high fees and a certain exclusivity) or increased educational quality.
- As in 1b, requirements would seem to relate more to cohorts than providers. A Russell Group institution may be less able to develop a vocational degree than an FE college with expertise in that engineering discipline.

## Questions relating to proposal 2

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

Disagree

**Comments:**

As already stated, narrow measures of student outcome are a poor proxy for quality. There are not reliable metrics of success, only proxy measures – and when proxies are used for decision-making, people are incentivised to pursue the data rather than – and even at the expense of – the intended goals. It can also lead to data-gaming. This all results in unintended and often undesirable consequences. While student outcomes are important, interpreting them without context (1b) and as the only definition of quality (1a) are both flawed concepts.

Longitudinal Education Outcomes data is not a performance indicator and does not help us measure universities' performance as this takes no account of value added by universities, who have diverse student intakes and operate in diverse circumstances. A 2016 IFS study showed that one of the most significant influences on graduates' salary outcomes was whether they came from an already wealthy background. School attainment is a stronger predictor of graduate earnings. Much also depends on the health of the economy.

The data, as far as it relates to engineering students, is far from comprehensive. As this is tax data, UK graduates who secure work abroad will not be included, which is likely to have a pronounced impact on engineering which has a particularly mobile workforce. This is true in both industry and academia and across all skill levels. Engineering companies tend to recruit from a global talent pool; UK engineers are in high demand internationally and can readily secure employment in other countries. Equally, UK engineering courses have particularly high rates of international students and their exclusion from LEO also means significant gaps in the data.

Other gaps in the data include those who are self-employed and those who voluntarily leave the labour force. HEIs will not want to encourage enterprising students to start businesses that may take a few years to mature, earn money for their founders and create wider jobs and prosperity. Because that would be 'low quality'. Similarly, they will be incentivised to discourage STEM graduates from entering school teaching, academia or research – despite the growing shortfall in the pipeline for these roles. Indeed, many of the most highly paid careers for engineering graduates are not in engineering at all, but the financial sector, and the OfS proposal would therefore militate against addressing the need for 29,000 more graduate engineers annually.

Employment effects take time to show up in the data – a lag of several years if you want to get a reliable picture. Given the longitudinal nature of LEO data, it has a significant lag, often relating to a course that was taught more than a decade previously. This is inherently problematic, but for an industry as fast-paced as engineering, both driving and driven by technological developments, a decade is likely to involve a complete change in industry and the labour market as well as a degree programme.

By design, the metrics will identify only those stables where horses have long since bolted. By the time problems show up in the data, the HEI will have known about it for a while and may well have either improved or closed a course if it was genuinely deficient. "Tougher measures" will not support this in any way, but they might close courses that have turned around.

Next, LEO seeks only to measure UK-based employment and only then according to earnings. Measuring income is an inherently crude, one-dimensional measure, valuing city traders above nurses and within engineering, industrialists over academics and (early stage) entrepreneurs. Clearly the economy and wider society needs and wants people to go into occupations with relatively lower salaries as the recent industrial strategy recognises.

There is much evidence that regional differences within the data render their use without regional caveat unhelpful. The region in which one lives is a significant influence on salary levels. Workers in the South East and London tend to earn higher gross salaries. Graduates of different universities tend to live in proximity to them at different rates, but on the whole, universities and courses in London, or with a high proportion of graduates residing in London, are more likely to see a higher graduate 'premium' than those in the North East, South West, Scotland, Wales and Northern Ireland.

Regional variation is also discipline-dependent. Engineering graduate salaries in the East of Scotland are among the highest in the country because of the oil and energy industries. That does not mean engineering departments elsewhere in the UK are lower quality or could take steps to improve according to these measures.

HEIs would be penalised for being based in parts of the country with lower employment rates or for drawing students from the locality who might want to stay in their home region post-graduation. Social mobility should not have to mean geographic mobility. To many students a positive outcome means worthwhile employment in their home region rather than maximising their income by moving away.

This is not only a fair choice for those graduates to make, it is a really positive choice for the Government's goal of levelling up regions by creating high-skilled employment in disadvantaged areas. Penalising universities that support this is counterproductive.

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

Outcomes data will also be subject to the vagaries of economic circumstances. Were this year's graduates 'low quality'? Or is it just that they graduated into the worst labour market for decades? These effects can happen locally too, which means they affect individual universities and subjects. For example, if a big local employer exits a region – as may be the case following Brexit – there may be a knock-on effect for local courses and graduates.

The focus on employment and continuation also penalises any subject that attracts students who are studying for the love of learning rather than for the sake of optimising their employment outcomes. Continuation is essentially about student non-progression (drop-out) rates. There is only scant research demonstrating a link between student drop-out rates and quality. There is however a body of evidence showing that students' personal circumstances and their levels of engagement are contributory factors (See, *inter alia*, Yorke, M. *Tertiary Education & Management* (1998) 4: 59. <https://doi.org/10.1007/BF02679397>).

On the other hand, good employment outcomes and high productivity do rely on graduates (and others) having flexibility, soft skills and character attributes (as well as crucially social capital) in addition to harder skills and specific competencies which is overlooked by these proposals. Students who undertake their studies for the sake of a love of learning are likely to develop these long-term employability skills more effectively than a student who undertakes a narrowly vocational course for an oversubscribed and disappearing career path.

Drop-out rates are of course important and relevant to student outcomes but must not be misrepresented as a reliable indicator of quality. Their inclusion as a quality metric serves only to discourage institutions from recruiting students who may, statistically, be more prone to drop out rather than encouraging them to provide better support student outcomes and learning gains.

It also penalises those courses that allow students to do anything other than join a course, stay the duration, and graduate. It allows for none of the hop-on-hop-off flexibility that the Government has been urging in other policy initiatives and which the evidence says is needed.

The entire conceptual basis of this section of the proposals is that, depending on how the 'tougher measures' are applied, it is statistically inevitable that a recklessly wielded axe will cut off healthy branches. By definition, some HEIs and subjects will always be less 'successful' than others according to the metrics.

There will always be a bottom of the pile to be removed. Someone will always need to be penalised to justify the quality assurance process. Being in the relegation zone in the Premier League does not mean a team is bad; it simply means the team's performance has been relatively less good amongst the very best. Sadly, the sanction for HEIs and courses will not be relegation, but elimination. International comparisons of HE systems invariably indicate that the UK's is in the premier league and therefore any regulatory mechanism that always aims to find a bottom tier and remove or sanction it, will inevitably be penalising high-quality provision. Conversely, if it were the case that the quality of UK higher education is genuinely not high and in needs of interventionist measure of the sort proposed, then the baseline would need to be set at a level that wipes out large areas of provision probably doing more harm than good to the country's educational infrastructure.

If the comparison of what constitutes a 'low quality' course is made at a subject level, rather than across all HE courses, then some departments that have good metrics compared to other subjects, will be made to suffer. For example, an engineering course that is 'low quality' in comparison to other engineering courses, may be sanctioned.

However, on the other hand, if the comparison is made at HEI level, then certain subject areas will be the victim because their outcomes do not translate easily into highly paid workplaces. Heads I win, tails you lose.

Ultimately, this is likely to encourage universities to be risk-averse in their admissions, effectively raising the bar for any students that don't look like those who have been successful in the past, closing down the opportunities until only those least in need of a break can get a look-in.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- There needs to be a clear differentiation between education and training. These outcomes are 'training' focused. Equally, the market should work, and the legal framework provides recourse to compensation if there is a failure. The level of subjectivity in interpreting the 'outcomes' is unhelpful especially in subjects that do not have a direct link to the employment market.
- I am still sceptical about defining student outcomes as the only goal of higher education. But I do agree that it is desirable, and that correcting for a wide range of factors will help to reduce incentives for creaming.
- The approach of using existing metrics is fine but the indicators themselves - such as professional and managerial jobs are wrong in my opinion. Education fits students for life not the first job on graduating. In engineering I can think of many students who would benefit from a couple of years as technicians before



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

beginning their professional careers.

- The indicators show the actual performance of a provider over time, rather than its performance when compared with a sector-adjusted benchmark. If the OfS wishes to drive quality down, then this is an effective way to do it: through no comparison with the sector benchmark.
- The proposed approach is biased against small specialist courses where bigger swings in statistical data are likely. Outcomes for students with different characteristics are also problematic - often trends have to be inferred by integrating data over multiple cohorts.
- The use of "in particular" in relation to managerial roles (Annex B, 2b) is not welcome (and I come from an HEI with very high engineering graduate prospects). It assumes that power and money are proxy measures of educational quality when these measures are highly influenced by industrial imbalances in recruitment practices (gender, socio-economic background, etc.). The quality of someone's education is not directly related to their salary or position. Presumably, a professional musician has no value due to not having managerial responsibility. Also, we have to value the wider working population.
- The approach risks undervaluing technically demanding courses with professional accreditation standards. Many highly capable professionals would fail first year engineering mathematics and redirecting students to allied professions when they do not meet required standards should be rewarded not punished.
- The statement 'Condition B3: The provider must deliver successful outcomes for all of its students...' would strictly mean that there should be NO fails on any course whatsoever. This is unrealistic.
- Outcomes depend on a number of factors which are beyond the control of an HEI, and OfS has a poor grasp on how those factors affect different institutions.

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)?

Notwithstanding that we would need to seek further clarification on the meaning of "groups and cohorts of students" in relation to conditions in the paper, the EPC strongly feels that without the inclusion of other measures of student outcomes, the measures proposed are meaningless and potentially harmful. They are not likely to raise quality, but rather result in a skewed perceived value of higher education.

In addition to the fundamental absence of value-added measures already noted, other important quantitative measures that would be needed to provide context to outcomes data would include: region, prior attainment, disability, ethnicity, gender, age, socio-economic background, mode of study (full- or part-time). Other data would also be necessary from a purely mathematical perspective to assure the statistical significance of any metrics; the number of students and changes over time, for example.

Even without contextualising the data, any meaningful measures of quality would have to be based on the value that is added through the students' experience and the learning they have gained. This will necessarily involve establishing where the student is at the beginning and setting learning goals, and then assessing whether those goals have been achieved by the end. (These are learning attainments, not career outcomes.)

Nevertheless, doing this so that it is informative about the role of the HE provider involves understanding the full context. It is unlikely that a single set of metrics will be equally applicable to all institutions, to all subject areas and to all students.

Quality is by necessity only properly represented by qualitative data (as the name suggests) and not by quantitative metrics. We welcome also the approach of the Graduate Outcomes Survey, which seeks to quantify soft data, but, while laudable, even these efforts have significant limitations. To this end, a more narrative approach may be more likely to provide a meaningful understanding of strengths and weaknesses for both the regulator and providers.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- Added value, e.g., where the student started against where they completed.
- There needs to be a clear 'learning covenant' in which the roles of the individual, provider, government, and wider society (employer) is set out. Yes, higher continuation and progression is good, but should we deny individuals access to education or apply pressure to academics to pass individuals at the risk of losing their jobs?
- A standard metric is the length of time taken for completion, including or excluding absences. This may already be partially accounted for in progression. But absences would be useful to collect, although it is of course based mostly on external factors, and so it is hard to set a standard.
- No provider can convert poorly prepared student entrants into properly qualified graduates with all the necessary skills without devoting the necessary resources. Staff quality and number and resources must be an essential component of any measure.
- Unless there are national standardised baseline achievement tests, then these metrics are fairly meaningless. Continuation, completion, and progression are all fungible to market forces. Just another erosion of quality if you make them metrics. In order for an achievement to be meaningful, failure has to be an option and an acceptable outcome.
- What about qualitative measures? How do we measure a student's ability to move to an "autonomous self-motivated problem solver"? From my days at teacher training helping to write the new PGCE programme.
- While I do not particularly like aspects of the Progress 8 measure used in schools at least this actually attempts to infer something about progress against entry. Some sort of genuine value-added metric based on degree outcomes versus entry quals would be ideal (although it could promote grade inflation).
- Progression to managerial roles will be heavily biased by the recruitment practices of employers. There are significant known biases in recruitment related to gender, socio-economic background, disability, etc. which will unduly influence this factor. General level of satisfaction with a graduate's current employment (within, say, 12 months) seems more reasonable as it recognises the choices of individuals (not all of our graduates want to enter management or equivalent roles).
- Courses with rigorous professional requirements need to be measured separately to more flexible provision that can offer optional modules and alternative routes.
- Industrial experience and feedback from industry as to the quality of the personnel recruited and their preferred higher education providers may be useful for courses in engineering and economics.

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)?

Disagree

**Comments:**

Foundation years are crucial in engineering and they should be considered separately as there are known difficulties and differences in this route into higher education.

Course flexibility is obviously an important issue for engineering education. Within engineering it is common practice for students to switch between BEng (Hons) and MEng programmes (this also applies to switches between some engineering disciplines). We are concerned that engineering departments may be disincentivised from continuing to offer BEng (Hons) and MEng programmes with students transferring between the two, as the tendency for many of the better students to progress to MEngs would make BEng (Hons) outcomes appear poorer than they in fact are.

It is hard to see how this approach promotes mobility between institutions.

We note that there is no framework within this consultation for the Government's proposals for HTQs. Are these assumed to be on a par or will they be bolted on later? Any plans made now should have some degree of stability in the face of predictable changes to the system.

Please see our previous comments that comparisons between institutions will be difficult and between disciplines harder.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- The OfS should focus on what its definition of a qualification (i.e. a degree) is and, if this is delivered, then why the need for the other indicators. Is the consultation looking at the wrong aspects?
- If a course is accredited by a responsible professional body, such indicators naturally occur, rather than the indicators are the metrics used to target by the programmes.
- The proposed approach is biased against small specialist courses where bigger swings in statistical data are likely. Outcomes for students with different characteristics are also problematic - often trends have to be inferred by integrating data over multiple cohorts.
- Foundation years could be considered separately as there are known difficulties and differences in this route into higher education.
- Context is extremely important and should be considered. Courses with professional placements, whether in parallel or series have very different pressures to full-time academic-only routes. Integral foundation courses are a response to funding structures and it should be assumed many students will change routes once they have access to the information and education to pick that most appropriate to their interests and talents.
- Too many "indicators" simply mean that the data becomes too fragmented to be of any use. Individual courses become too small so that any changes from year to year are overly highlighted due to the coarseness of the data, e.g., a course has 9 students in one year, which means that 1 failure can be enough to make the course fail to meet a requirement for 90% pass rate.
- Key should not be the absolute quality of those educated but the 'added value' received by them.
- Bringing poor students to good standards may be worth more (economically speaking) than teaching very good students little new stuff.

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)?

The entire conceptual basis of this section of the proposals is that, depending on how the 'tougher measures' are applied, it is statistically inevitable that a recklessly wielded axe will cut off healthy branches. By definition, some HEIs and subjects will always be less 'successful' than others according to the metrics.

There will always be a bottom of the pile to be removed. Someone will always need to be penalised to justify the quality assurance process. Being in the relegation zone in the Premier League does not mean a team is bad, it simply means that the team's performance has been relatively less good amongst the very best. Sadly, the sanction for HEIs and courses may not be relegation, but elimination with all the repercussions for the current and past students affected.

Essentially, the exercise is the problem, not the question. There is no right level where you can balance between the volume and complexity of indicators and a method that allows OfS to identify 'pockets' of performance that are below a numerical baseline. Moreover, we see more harm than good in the entire exercise and would urge OfS not to go ahead with something that might be damaging. This exercise will incentivise poor institutional behaviour – proxy metrics will incentivise gaming and proxy metric improvement, but it will not improve quality or standards.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- We are moving towards a 'big brother' approach on what is acceptable or not acceptable without contextualisation. It is important that universities remain autonomous and this move removes independence, etc.
- No, because I am deeply sceptical of the approach. There has been a lot of research into metric target setting, much of which has shown it to be counterproductive to the wellbeing of the organisation. It tends to end in a competition between unforeseen effects and gamesmanship and increasing bureaucratic demands.
- Over metrification will be "death by target management" of the quality of any product. Get the process right, and whatever metrics you propose for quality naturally follow. The process is external accreditation by responsible professional bodies!
- The more the indicators are broken down the more they mitigate against small specialist courses. This could be in areas where there is a real need – an obvious non-engineering example would language degrees including in subjects such as Chinese and Arabic.
- Simple, trusted approaches that encourage genuine improvement will be more effective than complex, untrusted approaches. The latter is open to 'game playing' to meet targets without driving genuine improvements in education.
- Why are you trying to identify pockets? Innovation will inevitably see the development of some courses that fail to thrive and providers should be encouraged to support such routes long enough to make a fair appraisal and to carry important local provision across gaps in recruitment or employment. For example, Camborne School of Mines has a global reputation but may lose its undergraduate mining programmes because of a short-term drop in student numbers

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'?

Neither agree nor disagree

**Comments:**

EPC members were not unified in their response to this question. A selection of comments in response to this question provided by our university membership is provided below.

The EPC does wish to comment on timing; it is important to for the full set of data to be made available every year to ensure fairness and transparency.

- The question assumes universities can rectify wider societal issues such as degree outcomes and ironically actions can induce further prejudice and discrimination. The current law sets out clear requirements, so I don't think there is a need to enshrine a reductionist view further.
- This is critically important for the success of the scheme and having a wide range of characteristics will help to put the outcomes into context.
- The issue is with "but would not provide information for that group separately for each year of the time series".
- There is no sensible justification for not providing information each year, other than enabling the provider to underperform on this issue with no chance of identifying and correcting any problems early.
- The statistical validity of some of the data is liable to be questionable depending on the level of granularity used.
- Age has not proved very reliable since the population of mature students behaves differently when compared to younger students. Mature students are likely to remain near home/family and numbers can vary dramatically from year to year. In some years, one student leaving can cause a major drop in completion statistics due to small numbers while in others the effect is smaller, both creating an imbalanced outcome based on the data.
- Recognition needs to be given to HE provision that meets local needs, particularly the closest areas in the first POLAR quintile.

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)?

Agree

**Comments:**

With reservations. Longitudinal educational outcomes data is better than either DLHE or nothing, but the overall limitations of LEO are well documented.

In relation to engineering, the gaps in the data are particularly problematic. UK graduates who secure work abroad will not be included, which is likely to have a pronounced impact on engineering which has a particularly mobile workforce. This is true in both industry and academia and across all skill levels. Engineering companies tend to recruit from a global talent pool; UK engineers are in high demand internationally and can readily secure employment in other countries. Equally, UK engineering courses have particularly high rates of international students and their exclusion from LEO also means significant gaps in the data.

The time-lag in the data is inherently problematic, but for an industry as fast-paced as engineering, both driving and driven by technological developments, a decade is likely to involve a complete change in industry and the labour market as well as a degree programme.

Well documented regional differences within the data render their use without regional caveat particularly unhelpful in an engineering sector which plays a key role in supporting the Government's goal of 'levelling up' regions by creating high-skilled employment in disadvantaged areas. Penalising universities that support this is counterproductive.

An extract of comments to this question provided by our university membership is provided below in support of our reservations around the use of LEO data:

- No. LEO data is geographically biased by default. For example, graduates living or working in London have a clear advantage over those in, say, Hull.
- The LEO dataset has value in determining the general employment status of a graduate. However, salary or tax is not a measure of educational quality and provision, which is what the OfS is supposed to be focused on.
- University can be a transformational opportunity, changing directions as well as shaping them. The amount of tax paid is not an indicator of quality as it penalises institutions focusing on vocational courses, such as nursing, that are more rigorous but less well paid than courses favoured by affluent students using university as a rite of passage before careers dependent more on networks than specific knowledge.

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)?

By definition, some HEIs and subjects will always be less 'successful' than others according to the metrics. There will always be a bottom of the pile to be removed. Someone will always need to be penalised to justify the quality assurance process. Being in the relegation zone in the Premier League does not mean a team is bad, it simply means that the team's performance has been relatively less good amongst the very best.

Unless OfS can point to existing failure in the system, any baseline should be at the point of QAA's threshold for failure. Continuous improvement is fundamentally not facilitated by baselines. Instead, we need measures which are not outcomes based.

We are concerned about how degree apprenticeships fit with this approach, where baselines – particularly around continuation measures – might be beyond the HEI's power (resting with the employer partner).

What are OfS' plans to protect for students the value of degrees awarded at a high standard by institutions which are subsequently deemed to have failed?

An extract of comments to this question provided by our university membership is provided below in support of our comments:

- I just disagree with numerical baselines which are in isolation providing a perverse outcome and unintended consequences
- I think the general aim is appropriate, but it would be nice to also see a significance test here. Sometimes multifactorial results like these can be statistically quite sparse, and it is important to only act on results that have been found with a degree of certainty.
- I think they would have to be based on some very simple index similar to the THES ranking approaches
- The proposal is very unclear. How would the numerical baseline be set at a level that would seek to improve the bottom 10-20 per cent of provider performance in the sector for a given indicator"?
- Set up external professional accreditation bodies if they do not exist for the sector. Making generic sector-level performance metrics will just result in gaming the system, to the detriment of performance. Generic targets are a terrible way to manage.
- The usefulness of the proposed definition depends on what the range actually is.
- There is little point in directly comparing one HEI with another as they are inherently (and quite attractively) different. Great care needs to be taken when setting baselines (if you must) to acknowledge that many of these differences are very positive and offer students things they want. Not all students want the same from their university education so standardisation will not necessarily be a positive outcome.
- Performance indicators should be criterion referenced, not norm referenced.
- You could calculate mean and standard deviation (rms) and then consider values outside  $\text{mean} + 2 \times \text{rms}$  as significant outliers...

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)?

The EPC is clear that context is not just an excuse; without context, the data is meaningless. We therefore support the use of as much context as is available.

An extract of comments to this question provided by our university membership is provided below in support of our comments:

- Let an external accreditation body rule on "contextual factors" rather than making generic pronouncements.
- The performance should always be related to the value added to the people studying, they are the most important in this.
- Subject mix needs to be considered if you are to encourage providers to continue offering demanding qualifications in engineering and allied health professions.
- I think assessing anything purely by numerical metrics will just encourage gaming of the framework. Institutional appetite for such practices should be taken into account.

### Questions relating to proposal 3

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

Disagree

#### Comments:

Despite OfS' intentions to reduce the regulatory burden, these proposals are likely to have the opposite effect given the vagaries of the metrics cited. As already mentioned, this will lead to gaming and excusing data, arguments and negotiations with OfS, and damage to the sector's quality reputation.

The EPC notes with concern the OfS' references to NSS and TEF, which are both under review.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- It's the level of monitoring that is a problem. OfS should be seeking to encourage accreditation against a defined standard, perhaps akin to QAA. The level of detail, such as on 'reportable events', is only going to push costs so high. The percentage of the resource directly employed in the education of people should be a metric (at present overheads can be as high as 60% when it was 35% only 20 years ago).
- I think taking anonymous hints concerning issues is a huge step forward. It is important to recognise that there are more stakeholders than just the students, and they can all provide valuable insight.
- Some of them are okay, but we await the validation of TEF with interest. NSS scores are a lagging indicator.
- Some of the proposals are sound, but the likes of "c. Information relating to the wider operating context for a provider that may have an impact on the quality and standards of that provider's higher education courses, for example:
  - i. Changes in the cost of borrowing.
  - ii. Increased pensions costs.
  - iii. Industrial action.
  - iv. A sudden drop in applications from international students from a particular territory that significantly affects the business model for a number of providers for which that is a key market." imply, in plain English, that "is it a good idea to be soft on struggling institutions that are losing money? A proper business model should take into account all these eventualities and should bear the brunt of any losses. The quality of the students' education should not be the sacrificial lamb in such cases.
- A higher compliance burden on providers from another body will just cause detriment to the overall performance. Whatever you target as metrics will improve, but what you do not target will diminish to the overall detriment. This is a logical consequence of every metric having a Heisenberg-type uncertainty principle. The unintended consequences pave this road!
- Value added again. Maintenance of the best possible provision for learners to enhance their life journeys with a clear understanding of the support needed to achieve relevant goals whilst being fair in discussing where further study may not yet be appropriate.
- A carrot might be more use than a stick. Please engage with the HEIs rather than seeing them as an intransigent inconvenience.
- Universities need a quality assurance framework that supports diversity of provision and recognises higher education as a public good. Support people to do well and establish resilient courses that support strategic and sustainable development.
- Punitive measures risk courses closing to meet perverse incentives; there is a direct impact on students whose courses are judged wanting, leading to a withdrawal of resources and preventing them fully engaging as alumni. There is also a reduction in choice for future applicants who may need to seek an alternative subject or provider.
- The examples of 'reportable events' under C9 appears to include all sorts of changes, big and small, down to minor changes at departmental and even course levels, which will create a flood of admin to report and monitor at college or university level. This should be narrowed down to drastic changes that are likely to influence whole institutions, such as the first two examples given.
- NSS is not an objective assessment. Students only have experience of one institution. How can such feedback be part of a benchmark?

## Questions relating to proposal 4

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?

Disagree

**Comments:**

We note a number of elements usually associated with schools' regulation in this consultation, in particular around the use of baselines. However, schools have "floor" standards which are based on a combination of pupil attainment and progress - a key element to reflect the challenging intakes of some schools. Schools need to be below both measures to be below the floor. Furthermore, where a metric looks like underperformance, the regulators role is to support (and fund) improvement. This is why floor standards are shown to drive improvement in schools, the baselines themselves are the start of a process, not the end of a measure.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- There should be an appeal procedure.
- Your approach places too much emphasis on the role of compliance officers and too little on delivery of a quality student experience. Really not a very good idea as quality will necessarily diminish as a resources are finite, so adding extra compliance responsibilities inevitably erodes the value produced. Compliance must be light touch and customised to the profession by external professionals.
- Most points seem fair but please recognise the major weaknesses in TEF. Not everyone can be above average all of the time but consistently poor performance is unacceptable. Please consider ongoing performance and not just performance in a point measurement.
- Quality needs to be audited at course level, not provider level.
- point 98: to impose actual sanctions where there is a perceived 'significantly increased' risk of a breach of rules rather than an actual breach could open the door for political manoeuvres along the lines of Brave New World: you get your speeding ticket not because you actually went too fast in your car but because you COULD HAVE GONE too fast.

## 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?

Metric proxies will always create unintended consequences. Metrics being used here are not taking enough account of context of disciplines, institutions, students, labour markets etc. This will undoubtedly lead to a lot of unintended consequences which, by their very nature are often unpredictable.

The EPC urges the OfS to be clearer on what want it is trying to achieve before attempting to measure it.

Some universities and courses will end up being 'low quality' for a host of reasons to do with a) their subject mix (there is unquestionably a science bias in these proposals) and b) their intake rather than anything that they might actually be doing wrong. Quite the opposite, trying too hard to do the right thing will open them up to sanctions.

For example, dropout rates are higher among students with extra financial or social challenges, and bias in recruitment practice disadvantages certain graduates. So, if students are from lower socioeconomic or minority ethnic backgrounds, or they are disabled or they are returners to study, their course might look 'low quality' while actually the prospects of those students (compared to not having achieved that degree) have been greatly improved.

BTEC students, for instance, have far higher non-continuation rates on engineering courses than students with A level maths and physics. When they do graduate, they face higher hurdles in gaining employment because they may not have the social capital and the same extra-curricular opportunities. But the earnings premium for BTEC students in engineering is greater relatively than for their high-achieving A level counterparts.

Is it really fair – or in the public's economic interest – for the OfS to hold an HEI that helps these students establish rewarding lives to the same standards as a university with nearly half of its intake with straight As from private schools? This directly opposes intention 1: "to ensure that all students, whatever their background, are protected from low-quality courses or qualifications that do not meet sector-recognised standards". Instead, it will disable students from diverse backgrounds.

HEIs could also be penalised for being based in parts of the country with lower employment rates or for drawing students from the locality who might want to stay in their home region post-graduation. Social mobility should not have to mean geographic mobility. To many students a positive outcome means worthwhile employment in their home region rather than maximising their income by moving away.

This is not only a fair choice for them to make, but also a really positive choice for the Government's goal of levelling up regions by creating high-skilled employment in disadvantaged areas. Penalising universities that support this is counterproductive.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- Flexible courses and those aimed at non-traditional entrants will suffer, due to higher drop-out rates
- Many academics will become increasingly stressed and ultimately leave the profession. It is the academics that get hit by compliance overload not administrators.
- Obviously, this will lead to a focus on the intended outcomes, to the detriment of goals that may not be captured in the measured outcomes. This may lead to a further concentration of higher education on narrow technical subjects and even training without academic merit. I think it is important to look for range of potential outcomes – a healthy mix of careers.
- There is insufficient detail to predict the specifics but it is obvious that there will be many. Experience of REF/TEF/NSS have shown that experience in gaming this type of approach builds up rapidly in 2 to 3 cycles. In general, the resources put into this gaming have to be taken away from those that serve the students.
- The unintended consequences of all quality assurance approaches is that aggregate quality declines once they are imposed. The winning strategy for management is to mimic best practice. High-quality and best outcomes are derived from light touch (so low cost to the aggregate quality) regulation but with professional bodies representing the receiving sector and competitors within the sector as specialist assessors. Such bodies should review their assessment and metrics routinely, so that gaming the system by diverting resources to the chosen targets – known to be counter productive – so that providers must just strive for the best aggregate creation of value.
- The proposal prioritises sciences and applied subjects to the detriment of other subjects. This is not a positive move in terms of the broader educational benefits of higher education. Strangely, it potentially advantages institutions with a very traditional student background since managerial responsibility (known to be dominated by graduates from more affluent backgrounds) becomes a measure of 'quality'. Also, it discourages diversity between institutions: there is less benefit in running entirely technical or highly academic programmes as these will fall as outliers to the metrics.
- The proposals risk defining rather than regulating provision. Professional courses in less lucrative disciplines and non-traditional students will be seen as high risk.
- I think assessing anything purely by numerical metrics will just encourage gaming of the framework. Institutional appetite for such practices should be taken into account.

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

In terms of protected characteristics (which the EPC understands to be: Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion or belief; Sex; and Sexual orientation), we have already raised concerns in relation to student profiles including age, disability, gender and race.

Fundamentally, we believe that these proposals bake prejudice and discrimination into the system and have already provided the example that progression to managerial roles presents known biases in recruitment related to gender, socio-economic background, disability, etc. We fear this will be systemically replicated at university admission as a result of these proposals, where universities will be rewarded for recruiting the "easiest" students, not those with the most to gain or offer. This is counter to all access and participation efforts.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- It will exclude individuals as higher entry requirements and more rigid courses will become the norm.
- The unintended consequence is that it will inhibit the success of talented individuals who may not fit into a particular set.
- I am concerned that the proposals will encourage more game-playing in admissions and continuation. It is in an institution's interests to recruit any student, regardless of ability and especially based on their background, and allow them to continue and graduate. This is unfair to the student/graduate as they might well find themselves struggling in employment. We have to ensure that recruitment is based on a mix of current ability and future potential and not based solely on metrics. Admissions interviews might yet be a good thing to encourage (says someone who is a young academic, not an aged retainer).
- There do not seem to be any safeguards to ensure a choice of provider, or even a single provider, within sensible travel distance. London and Birmingham may still be able to offer choice if a university fails but there are already gaps in access in Cornwall, Devon and other western counties.
- Equality impacts are predictable for women who are more likely to have caring responsibilities, students with disabilities that reduce freedom of travel, and BME students from backgrounds with less tradition of full-time residential study. There will be a particular intersectional impact on women from some minorities who may be reluctant to move to mixed residential accommodation to study.
- The problem for these individuals is bias in the employment market, particularly employers with a pale-stale-male culture. I see nothing in the proposals to mitigate this issue.

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

Engineering is already heavily regulated; in any accredited engineering course there is already a very clearly defined set of standards, governed by the Engineering Council and assured by Professional Engineering Institutions. Indeed, PSRBs already set standards in terms of learning outcomes in engineering and many other professional higher education courses.

If the OfS wants to introduce standards and kitemarked qualifications, we would suggest focusing attention on standardising outcomes in those subjects where there are no PSRBs and where universities therefore have control over processes and outcomes.

In the meantime, we would invite and encourage OfS and the PSRBs to work much more closely together.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- This will increase regulatory burden as HEIs self-monitor and game the metrics.
- The data should be collected and transferred in a standard format.
- Working with PSRBs who already have a good handle on course quality.
- Outsource it all to sector-specific accreditation bodies.
- The finer the granularity, the greater the regulatory burden again pushing against useful specialisms.
- Strengthen the role of external examiners in determining whether a programme or institution is providing quality and use their views to guide regulation.
- Use professional accreditation to support quality assurance and development of vocational degrees. OfS or OFSTED can then focus on the balance of vocational courses.
- Get off our backs! There are professional bodies that assess course quality and standards, and they know what they are talking about. Let them do their jobs and refrain from imposing more and more (and more...) bureaucracy on us.
- The burden seems to be not so much on the regulator but on the college or university to be regulated: this amount of data provision could increase admin costs (and in turn study fees?) significantly.

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

We do not accept the apparent premise that 'low quality' courses are so rife in UK higher education as to warrant such radical changes. While there will inevitably be individual situations where quality could be improved, the consultation paper has not provided sound evidence to support the idea that the current arrangements are deficient or that these changes would eliminate those inevitable situations. Indeed, the cure is not harmless. As one respondent to our internal consultation put it, "This is full-on chemotherapy to treat a few bunions."

The concept of quality has not been defined and so any proposals to enhance it are bound to be unfocused. Every international comparison suggests we have one of the best HE systems in the world and calling for "tougher measures" as if there's a regulation deficit seems to be more to do with doing something than doing something necessary or even justified.

It might be imagined that the proposed approach would be welcomed by academics in Engineering as it is a subject area with clear and solid positive student outcomes by the metrics proposed. However, we also care about colleagues and students in other disciplines and about higher education as a whole, including the concept of a university as an institution rich in a culture of learning across disciplines. There are very specific benefits in this to engineering and increasingly our members are looking to promote interdisciplinarity rather than retreat into silos.

Rather than improve high education, the proposals are likely to narrow fair access, stunt social mobility and protect elitism while cementing the goal of higher education as basically a job conveyor belt. That is not good for anyone. The timing is also unhelpful both in terms of the burdens that universities are already facing in the midst of the pandemic, and in that any data for the next few years which might be used to inform any judgements on quality is going to be wildly unrepresentative of actual standards or performance.

Any narrow set of metric-only measures will always be a blunt instrument and the proposed set is an exemplar. There are no reliable metrics of success, only proxy measures – and when proxies lead decision-making, we get people gaming the data and unintended consequences. (This is exactly the argument that the Government has recently deployed about the National Student Survey, which it has blamed for supposed dumbing down. Again, there is no actual evidence of this, but we note that the OfS will be conducting a reviewing into that too.)

We understand the desire to adopt a more metric-based approach in order to reduce bureaucratic load, but if data is to tell you anything useful, the context behind it must be taken into account. No two HEIs are alike and the same numbers can tell very different stories.

The consultation does explicitly acknowledge that the context needs to be considered, but the exclusion of anything to do with the socioeconomic disadvantage or other protected characteristics of the students (disability, ethnicity, etc) renders the metric-based approach largely meaningless. The idea of imposing non-negotiable numerical baselines on the basis of largely meaningless data is reckless.

Some unis and courses will end up being 'low quality' for a host of reasons to do with their intake rather than anything that they might actually be doing wrong. Quite the opposite, trying too hard to do the right thing will open them up to sanctions. For example, dropout rates are higher among students with extra financial or social challenges, and bias in recruitment practice disadvantages certain graduates. So if students are from lower socioeconomic or minority ethnic backgrounds, or they are disabled or they are returners to study, their course might look 'low quality' while actually the prospects of those students (compared to not having achieved that degree) have been greatly improved.

BTEC students, for instance, have far higher non-continuation rates on engineering courses than students with A level maths and physics. When they do graduate, they face higher hurdles in gaining employment because they may not have the connections, the extra-curricular brownie points and the right accent. Is it really fair for the OfS to hold an HEI that helps these students to establish rewarding lives to the same standards as a university with nearly half of its intake with straight As from private schools?

HEIs could also be penalised for being based in parts of the country with lower employment rates or for drawing students from the locality who might want to stay in their home region post-graduation. Social mobility should not have to mean geographic mobility. To many students, a positive outcome means worthwhile employment in their home region rather than maximising their income by moving away. This is not only a fair choice for them to make, it also supports the Government's goal of levelling up regions by creating high-skilled employment in disadvantaged areas. Penalising universities that support this is counterproductive.

Outcomes data will also be subject to the vagaries of economic circumstances. Would it be fair to say this last year's graduates were 'low quality' because they graduated into the worst labour market for decades? Similar effects happen on a local level too, which means they affect individual universities and subjects. For example, if a big local employer exits a region, there may be a knock-on effect for local courses and graduates.

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

Employment effects take time to show up in the data – a lag of several years if you want to get a reliable picture. By design, the metrics will identify only those stables where horses have long since bolted. By the time problems show up in the data, the HEI will have known about it for a while and may well have either improved or closed a course if it was genuinely deficient. “Tougher measures” won’t support this in any way, but they might close courses that have turned around.

In order to demonstrate ‘quality’, positive employment outcomes will need to show themselves quickly after graduation. Therefore HEIs will not want to encourage enterprising students to start businesses that may take a few years to mature, earn money for their founders and create wider jobs and prosperity, because the time those effects take to develop would render the course as ‘low quality’.

Moreover, the focus on continuation and employment penalises any subject that attracts students who are studying for love of learning rather than for the sake of optimising their employment outcomes. It may be that OfS sees the love of learning as a poor reason for public investment in the higher education sector, but it enriches society in multiple ways from culture to wellbeing and results in inquisitive, adaptable, rounded and highly employable graduates.

It also penalises those courses that allow students to do anything other than join a course, stay the duration, and graduate. The Government is seeking to expand flexibility throughout the education sector to encourage lifelong learning, modularity and hop-on-hop-off courses. Labour market evidence suggests this approach is needed, particularly in a phase of economic recovery.

Depending on how the ‘tougher measures’ are applied, it is statistically inevitable that a recklessly wielded axe will cut off healthy branches. By definition, some HEIs and subjects will always be less ‘successful’ than others according to the metrics. There will always be a bottom of the pile to be removed. Someone will always need to be penalised to justify the quality assurance process. Being in the relegation zone in the Premier League does not mean a team is bad. It simply means that the team’s performance has been relatively less good amongst the very best. Sadly, the sanction for HEIs and courses will not be relegation, but elimination.

If the comparison of what constitutes a ‘low quality’ course is made at a subject level, rather than across all HE courses, then some departments that have good metrics compared to other subjects, will be made to suffer. For example, an engineering course that is ‘low quality’ in comparison to other engineering courses, may be sanctioned.

However, on the other hand, if the comparison is made at HEI level, then certain subject areas will be the victim because their outcomes do not translate easily into highly paid workplaces. Either way, there are inevitably unfair and damaging outcomes.

These proposals are likely to encourage universities to be risk-averse in their admissions, effectively raising the bar for any students that do not look like those who have been successful in the past, closing down access until only those least in need of an opportunity can get one. This is in direct opposition to the OfS’s admirable efforts on access and participation.

We also find the proposals to be a significant intrusion on the constructive autonomy of institutions as protected in law by the Higher Education & Research Act (HERA). This autonomy – which is greater in the UK than in almost any other country – is often cited as a contributing factor to the UK’s high quality HE sector. It facilitates innovation and diversity to serve diverse needs, diverse students and an ever-changing landscape. These proposals would undermine that drive for innovation and diversity and might do far more to undermine the very standards of high-quality education for all who can benefit from it that they seek to improve.

A selection of comments in response to this question provided by EPC members is provided below in support of our comments:

- Education is about the journey just as much as the goal. Measuring only outcomes, and specifically only training outcomes, is too narrow an approach.
- Higher education should not be a testbed for social engineering. Trying to engineer equality of outcomes “on the backend” just puts greater burdens on Universities to do things other than their expertise. Level up by providing better support “on the front end”. Universities are not the place to fix 13 years of failed state education with an additional but underfunded set of constraints imposed. Ever constraint imposed has a shadow cost that decreases the value produced. It is a simple concept that works with complex systems!
- Pushing this at a point when the sector is having to cope with a massive switch online and ever-changing rules from the Government to deal with Covid-19 feels like a pointless extra burden.
- I am genuinely worried that these proposals will focus HEIs too heavily on the currently political leaning (AI, engineering) to the detriment of the broader educational benefits of graduate study. We need graduates with different skills: applied/technical engineers are needed for some roles while analytical engineers are needed for others so allow some institutions to be more academic and others more applied; graduate historians have just as much value to society and, indeed, to engineering firms!
- The whole exercise risks distorting HE just when it needs support to develop innovative and sustainable courses for an uncertain future.

