

Regulatory case report for the University of Wolverhampton – Finding of a breach of condition B4

Summary

This regulatory case report explains why the Office for Students (the 'OfS') found that the University of Wolverhampton (the 'provider') breached ongoing condition of registration B4.

The OfS requires all registered higher education providers' courses to meet a minimum set of requirements or conditions that relate to quality and standards. The detailed requirements of these conditions can be found in the OfS's regulatory framework. As a result of the OfS's general monitoring in October 2022 the OfS decided to open an investigation into the quality of business and management courses provided by the University of Wolverhampton.

The OfS appointed an assessment team on 19 October 2022 that consisted of three academic expert assessors and a member of OfS staff. The team was asked to give its advice and judgements about the quality of the university's business and management courses.

The quality assessment report setting out the advice and judgements of the assessment team was published by the OfS on 23 January 2024.¹ Through its activities, the team identified one area of concern that related to the University of Wolverhampton's compliance with the OfS's conditions of registration:

- **Concern 1:** The assessment team found the September and January cohort of students on the revalidated BA (Hons) Business Management were permitted a different number of attempts at the same assessments, with no supporting pedagogic rationale. This concern related to condition of registration B4 because the students registered on this course were not required to demonstrate knowledge and skills in a consistent manner. The team also found a lack of underlying pedagogic rationale for allowing up to six attempts to pass an assessment and considered that this brought into question the rigour of the assessment and the level of challenge provided.

Following publication of the quality assessment report, the OfS engaged with the provider. Through this engagement the provider acknowledged that, in its view, the specific academic regulations that had led to the concern were problematic, and outlined its plans to address the concern.

The OfS then carefully considered the content of the quality assessment report, and the outcomes of its engagement with the provider. Following this consideration, the OfS decided that the provider breached condition B4. This case report sets out the reasons for this decision, and actions taken after the breach was identified.

¹ See: www.officeforstudents.org.uk/publications/quality-assessment-report-business-and-management-at-the-university-of-wolverhampton/.

The concern set out in the quality assessment report, and subsequent OfS engagement with the provider

The assessment team identified one concern in the report, and indicated to the OfS that the concern was relevant to two different areas of condition B4.

The assessment team found the September and January cohort of students on the revalidated BA (Hons) Business Management were permitted a different number of attempts at the same assessments, with no supporting pedagogic rationale. This was evidenced by the assessment team through a review of the provider's academic regulations, and in conversations with staff at the provider.

The assessment team found that undergraduate students starting their course in September were allowed up to three attempts at the first semester's assessment and two attempts at the second semester's assessment, and vice versa for those students starting in January.

The assessment team's view was that this part of the concern related to condition of registration B4 because the students registered on this course were not required to demonstrate knowledge and skills in a consistent manner.

The assessment team did consider whether this approach could have been considered consistent, as each cohort overall completed six modules which allowed three attempts at an assessment, and six modules that allowed two attempts at an assessment over their course of study. However, students from different intakes were granted different numbers of attempts at (for example) the Level 6 professional project module, described as a 'capstone module'. They may have also had different strengths and weaknesses in different areas (such as different types of assessment or understanding of module content). The team took the view, therefore, that the approach was not consistent.

The assessment team also found a lack of underlying pedagogic rationale for permitting undergraduate students up to six attempts to pass an assessment and considered that this had brought into question the rigour of the assessment and the level of challenge provided. The number of attempts was evidenced by review of the provider's academic regulations, and through conversations with provider staff.

The assessment team exercised its academic judgement, explaining that its view was that with no basis in teaching practice, the number of repeated attempts at individual assessments may have undermined the rigour of the assessment, and diluted the challenge that was relevant to the level of the course.

Following publication of the quality assessment report in January 2024, the OfS discussed its content with the provider. The provider confirmed that it had identified as a problem the academic regulation that allowed up to six attempts to pass an assessment before the visit of the assessment team. It also said that it would expedite removing the regulation given the concern identified in the quality assessment report. Following further engagement with the OfS, the provider confirmed that the academic regulation had been removed for undergraduate students enrolling on their courses from January 2025 onwards.

The provider also confirmed that its data showed that no students had submitted six attempts at an individual piece of assessment across all courses at the institution since the regulation had originally come into force.

Relevant OfS conditions of registration

The element of the concern identified in the quality assessment report where students were permitted a different number of attempts at the same assessments was relevant to condition B4.2.

Condition B4.2 states that ‘Without prejudice to the principles and requirements provided for by any other condition of registration and the scope of B4.1, the provider must ensure that:

b. each assessment is valid and reliable’

The definition of ‘reliable’ as it relates to condition B4 is:

“reliable” means that an assessment, in practice, requires students to demonstrate knowledge and skills in a manner which is consistent as between the students registered on a higher education course and over time, as appropriate in the context of developments in the content and delivery of the higher education course.’

This part of the concern indicated that the provider was not ensuring that students were demonstrating knowledge and skills in a manner consistent between students registered on the higher education course. Allowing students differing numbers of attempts at individual assessments depending on the start month of their course meant that there may have been inconsistencies between the way individual students registered on higher education courses at the provider were assessed.

The element of the concern identified in the quality assessment report where students were permitted up to six attempts at an assessment was also relevant to condition B4.2.

Condition B4.2 states that ‘Without prejudice to the principles and requirements provided for by any other condition of registration and the scope of B4.1, the provider must ensure that:

a. students are assessed effectively’

The definition of ‘assessed effectively’ as it relates to condition B4 is:

“assessed effectively” means assessed in a challenging and appropriately comprehensive way, by reference to the subject matter of the higher education course, and includes but is not limited to:

i. providing stretch and rigour consistent with the level of the course.’

This part of the concern indicated that, in the view of the assessment team, allowing up to six attempts at an individual piece of assessment, without an underpinning pedagogic rationale, brought into question the rigour of assessment and diluted the challenge relevant to the level of the course. The assessment team’s view was that because students were permitted to attempt an assessment lacking in rigour and challenge, it meant that they were not assessed effectively.

The finding of a breach, and subsequent regulatory intervention

Following analysis of the quality assessment report and engagement with the provider, the OfS found that the University of Wolverhampton breached condition B4.

The content of the provider's policies (in this instance, its academic regulations) meant that it was not ensuring that assessment was reliable. The policies had allowed the provider to assess students in a way that was not consistent between the students registered on a higher education course.

In considering its regulatory response, the OfS considered the relevant intervention factors,² and the OfS's general duties.³

The OfS noted that the scale and impact of this breach and the number of students disadvantaged by receiving fewer attempts at assessment when compared with their peers was minimal.

The OfS also noted the legitimate element of the concern identified by the quality assessment team in respect of effective assessment, specifically that undergraduate students at the university may be permitted six attempts at assessment. The OfS considered that as the cause of this element of the concern was the same as that underpinning the concern with students being assessed in a consistent manner, there was no requirement to make a separate finding in respect of the requirement for 'effective assessment' under condition B4.

The provider confirmed that the regulation that caused the concern will no longer apply for students enrolling on courses from January 2025.⁴ The OfS decided that the provider's actions would be effective in remedying the breach of condition B4. As no further concerns had been identified by the quality assessment team, the OfS decided to take no further regulatory action, and to close the investigation into business and management courses at the provider.

² See: www.officeforstudents.org.uk/publications/regulatory-framework-for-higher-education-in-england/part-iii-regulation-of-individual-providers/overview-of-monitoring-of-risk-for-registered-providers/.

³ See: www.officeforstudents.org.uk/publications/regulatory-framework-for-higher-education-in-england/part-i-the-ofs-s-risk-based-approach/#The-OfS%E2%80%99s-general-duties.

⁴ On 3 December 2024, the University of Wolverhampton issued the following statement in relation to the findings of the quality assessment and breach of condition B4:

Findings and response following quality assessment of business and management courses at the University of Wolverhampton

The University of Wolverhampton welcomes the thorough findings of the Office for Students (OfS) assessment of our business and management courses and acknowledges that a breach of condition B4 had occurred.

Prior to, and since the assessment team visited, the University conducted an internal review of its academic regulations to ensure they deliver the academic rigour and student outcomes expected. The finding of this internal review reflected those of the OfS quality assessment report, whereby the regulation permitting three assessment opportunities for semester one modules resulted in an inconsistent delivery of assessment.

Following this review, the University took immediate action to remove the specific regulation in breach of condition B4 from its academic regulations.

The change was approved by the University's Academic Board in March 2024 and applies to all enrolments from January 2025 onwards. The revised academic regulations reflecting the change can be viewed here: <https://www.wlv.ac.uk/aboutus/governance/legal-information/regulations-codes-of-conduct-and-byelaws/academic-regulations/>.

The OfS will continue to monitor the risk of a breach of conditions at the University of Wolverhampton, in line with the OfS's approach to general monitoring.⁵

⁵ See: www.officeforstudents.org.uk/publications/regulatory-framework-for-higher-education-in-england/part-iii-regulation-of-individual-providers/overview-of-monitoring-of-risk-for-registered-providers/.