

# Regulatory case report for the University of Bedfordshire – finding of a breach of condition B2

## Summary

This case report explains the regulatory judgement of the Office for Students (OfS) regarding a quality assessment of the University of Bedfordshire ('the provider') and its compliance with ongoing condition of registration B2. In it we explain why we have decided to conduct enhanced monitoring of the provider.

## Background

The OfS requires all registered higher education providers' courses to meet conditions that relate to quality and standards. The detailed requirements of these conditions can be found in the OfS's regulatory framework.<sup>1</sup>

As a result of the OfS's general monitoring, in October 2022 it decided to open an investigation into the quality of business and management courses provided by the University of Bedfordshire. The OfS appointed an assessment team on 21 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 14 November 2023.<sup>2</sup> Through its activities, the team identified three areas of concern that may have related to the University of Bedfordshire's compliance with the OfS's conditions of registration:

- **Concern 1:** The assessment team found that undergraduate courses were delivered mainly through a traditional full-time student model that operated during standard teaching hours with limited flexibility for students. With student cohorts that the university acknowledged were non-traditional in nature, and many students who were working full-time while studying, this presented challenges for students and limited their ability to engage with their course. This concern relates to condition B1, because this condition requires that the higher education provider must ensure that the students registered on each higher education course receive a high quality academic experience, including that courses should be effectively delivered.
- **Concern 2:** There was limited central monitoring of student engagement with their course and overreliance on individual academic staff to proactively monitor and take action where students may have been struggling to keep up with their course. Limited proactive action from central

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<sup>1</sup> Available at [Regulatory framework for higher education in England](#).

<sup>2</sup> [Assessment case report for the University of Bedfordshire](#).

support services meant that students who were struggling to engage may or may not have received the support they needed depending on the actions of individual academic staff. Without effective monitoring of students who were at risk of dropping out, the university could not provide additional academic support for students who needed it. This concern relates to condition B2, because this condition requires that the higher education provider take all reasonable steps to ensure students receive sufficient academic resources and support. The assessment team considered that effective monitoring of student engagement, over and above the personal academic tutoring system, was a step that could have been taken to ensure students had sufficient academic support to succeed.

- **Concern 3:** The assessment team considered that in order to ensure that students have sufficient academic support to succeed, the provider could have taken more steps to develop a better understanding of non-continuation rates and to embed appropriate management processes. There had been sustained high fail and low continuation rates despite continuation-focused initiatives and changes in processes. High rates of student attrition in the first year had been ongoing for a sustained period despite a number of continuation-focused initiatives and changes in process having been made in recent years. This was coupled with limited understanding of the reasons for low continuation rates. High fail rates suggested there was an issue with the support that students received, and monitoring of module failures was not sufficient to allow the university to proactively intervene and offer additional support to students where this might have been needed. While university-level strategies existed and changes had been made to the planning framework, the assessment team found limited evidence of their effective implementation. The result was an inability to take effective action to address low continuation.

During and after the assessment process, the OfS engaged with the provider to understand its views on the concerns of the assessment team. As part of this engagement, the provider explained the progress that had been made in relation to the concerns set out in the assessment report since the initial assessment had concluded. The OfS carefully considered the content of the quality assessment report, and the information given by the provider during the engagement. Following this consideration, the OfS decided that the provider was in breach of condition B2 at the time of the assessment and has acted. This case report sets out the reasons for these decisions.

## **Relevant OfS conditions of registration and OfS regulatory finding**

Our view is that the concerns raised by the assessment team represent a breach of condition B2, and our engagement with the provider following the conclusion of the assessment shows that there is continuing risk. We have chosen not to make a regulatory judgement about compliance with condition B1.

### **Condition B1**

This condition requires a provider to ensure that students ‘receive a high quality academic experience’ including but not limited to ensuring ‘each higher education course is effectively delivered’. Effective delivery means the manner in which a higher education course is ‘taught’ and ‘supervised’, including (but not limited to) ensuring an appropriate balance between delivery methods, as relevant to the content of the course.

### **OfS judgement on condition B1**

The assessment team identified that the course delivery model may not have been suitable for the particular cohort of students, which was non-traditional in nature. Evidence from both students and staff confirmed that many students had work and caring responsibilities, which presented a challenge for some in engaging with their learning.

The assessment team identified legitimate concerns about the effective delivery of the course. However, we are mindful that the issues that the team identified in respect of B1 overlap significantly with the matters the team considered under B2 (see below for more detail). In the circumstances, while we consider that it would have been open to us to make adverse findings in respect of compliance with B1 at the time of the assessment, we have determined that the most appropriate, proportionate and targeted response to the collective concerns, is to not make adverse findings under B1. We consider that the regulatory action taken by the OfS to address the concerns under B2 will likely lead to improvements in the effective delivery of courses. Therefore, we do not consider that it is necessary and proportionate to take action in respect of B1 in addition to the action we propose to take in respect of B2.

## **Condition B2**

One requirement of this condition is that providers must take all reasonable steps to ensure that students receive 'resources and support which are sufficient for the purpose of ensuring a high quality academic experience for those students, and those students success in and beyond higher education'.

Resources include, but are not limited to, 'physical and digital learning resources that are adequate and deployed effectively to meet the needs of the cohort of students'. Support means 'the effective deployment of assistance, as appropriate to the content of the higher education course and the cohort of students, including but not limited to academic support relating to the content of the higher education course' and 'support needed to underpin successful physical and digital learning and teaching'.

### **OfS judgement on condition B2**

We have judged that the provider was in breach of condition B2 at the time of the assessment. The assessment team found there were inconsistencies with the deployment of resources, which we have considered as a contributing factor to the breach of the condition. These inconsistent resources, such as variable approaches to recording teaching sessions, meant that some students did not have sufficient resources to receive a high quality academic experience. We consider ensuring consistent availability of online resources and offering recorded teaching content or suitable alternatives as examples of steps that would have been reasonable for the provider to take for its non-traditional cohort of students. These steps would have meant that students unable to attend could easily catch up. The assessment team also found that the provider had an 'opt-in' audio-visual recording policy and could have made this compulsory earlier to ensure staff made resources available to students consistently. Again, we consider this to be a reasonable step that the provider could have taken but did not.

Regarding support, despite a background of high non-continuation rates over a long period of time, the evidence demonstrated that the provider did not have an effective method for identifying the support needs of its students. The assessment team found that the provider was not monitoring attendance effectively. However, at the time of the assessment it was finalising an attendance policy. Furthermore, the provider was not monitoring module failures sufficiently to allow it to

proactively intervene and offer additional support to students where needed. We consider that it would have been reasonable to expect the provider to have an efficient method of monitoring student engagement with teaching, and their assessment outcomes. This monitoring was not in place at the time of the assessment.

Evidence was also collected which demonstrated that academic support was provided when identified through student self-referral or by individual members of business school staff. However, this placed reliance on individual members of staff to ensure intervention, or students themselves. The evidence did not demonstrate the provider having effective and consistent monitoring procedures. It also showed an overreliance on the personal academic tutor (PAT) system.

Finally, evidence showed that the provider did not sufficiently understand its own data regarding non-continuation and reasons for student failure. Although it had begun implementing a number of improvement activities, at the point of assessment these were either not sufficient or implemented effectively to deliver the improvement required. We consider that monitoring student engagement and understanding student data to consistently identify support needs are steps we would have reasonably expected the provider to have taken to improve support for its students.

### **How we came to our judgement**

When coming to our regulatory judgement and consideration of what steps would be reasonable for the provider to have taken, we have focused and placed significant weight on the particular academic needs of the cohort of students. This is based on their prior academic attainment and capability and the principle that when the academic needs of the cohort of students are greater, the number and nature of the steps needed to be taken are likely to be more significant.

The provider has engaged positively with the OfS during the quality assessment and has provided detailed information of the actions it is taking in response to the report. We have worked collaboratively with the provider since the assessment to ensure it had a strong, appropriate set of actions in place that ought to resolve the issues outlined in the report. We have considered our engagement as part of our assessment of compliance and ongoing risk, and when weighing up the appropriateness of our intervention.

Our view is that the provider has an appropriate set of plans and actions in place. For example, information provided to the OfS illustrates that the provider has made improvements to its provision of online learning and support for academic skills. It also has a new audio-visual recording and resourcing policy to make recording teaching, or providing other online resources a requirement for all units.

Furthermore, the provider has reported that it is putting significant effort into improving its monitoring and understanding of students' engagement with their learning. It reported a new attendance and engagement policy and targeted processes in place to identify students who are at risk of disengaging, and refer them to an Academic Success Tutor. Richer analysis of non-continuation data is also in progress to assist with improving understanding of this matter.

While we consider the provider's plans and actions to be appropriate, we do not yet consider that all risk of non-compliance has been mitigated. The provider has only implemented some of these initiatives relatively recently. We also do not have strong evidence that it has implemented its initiatives effectively and that they are producing positive impacts for students. Using our risk-based approach to regulation, we have determined that it is appropriate that the OfS has a role in

monitoring the implementation of the provider's actions, and ensuring the provider demonstrates the impact these actions are having on performance.

## **Regulatory intervention**

In considering our regulatory response following these findings, we have weighed up the relevant intervention factors and the OfS's general duties.<sup>3</sup> We have also noted the scale and impact of this breach; due to the provider's context and the nature of the concerns, a large number of students could potentially be disadvantaged by the concerns outlined in the assessment report.

When considering how we could best address the breach of condition, we looked at what the most appropriate, effective intervention would be to deliver the intended outcome for students. While more significant interventions were an option, we have decided to conduct enhanced monitoring of the provider. We judged that this would be the most effective intervention available to us, and that it is likely to encourage continued action to improve the resources and support students receive on these courses. When coming to this judgement, we were conscious that we should not impose an intervention that is any more burdensome for the provider than necessary, while remaining effective. Enhanced monitoring allows the provider to demonstrate to the OfS and its students how it has implemented improvements to resources and support effectively. The terms of the enhanced monitoring will require the provider to provide periodic submissions to the OfS on the implementation of its plans and initiatives, until such a point at which the OfS judges the risk of non-compliance to have been acceptably minimised.

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<sup>3</sup> See [Overview of monitoring of risk for registered providers](#) and [PART I – The OfS's risk-based approach](#).