

Regulatory case report for Birkbeck, University of London: Ongoing condition B3 investigation outcome

Summary

This report confirms that the Office for Students (OfS) has found that Birkbeck, University of London ('the provider') is compliant with ongoing condition of registration B3 (student outcomes) following our assessment of the indicators in scope of our investigation.

Birkbeck, University of London was selected for an investigation of its compliance with the condition as part of the OfS's 2022-23 prioritisation cycle, and this was completed in September 2024.

Our investigation concluded that contextual factors relating to historical data, actions already taken by the provider, or actions planned by the provider justified the provider's performance in relation to our B3 numerical thresholds for student outcomes for the indicators in scope.

Background

Birkbeck, University of London (registered with the OfS as Birkbeck College) is one of 17 independent higher education providers forming the federation of the University of London. It offers undergraduate and postgraduate courses across a range of subject areas, and is focused on offering flexible and part-time study options for its students. It is one of a very small number of providers that has historically taught predominantly in the evening to accommodate the needs of students with other commitments. In 2021-22, OfS data showed the provider had approximately 10,600 students registered on courses.

The provider was selected for assessment of its compliance with ongoing condition of registration B3 (student outcomes) as part of the OfS's 2022-23 annual prioritisation cycle. As set out in Regulatory advice 20: Regulating student outcomes,¹ each year the OfS decides:

- which student outcome measures, modes and levels of study we wish to prioritise
- whether we should focus on any particular split indicators, such as subject of study or student characteristics, or on any other themes, such as partnership arrangements
- how many cases we will assess in that year.

We published the final prioritised categories for 2022-23 in a statement on the OfS website in November 2022.²

¹ See [Regulatory advice 20: Regulating student outcomes - Office for Students](#).

² See [Prioritised categories for the 2022 and 2023 assessment cycles \(officeforstudents.org.uk\)](#).

The provider was one of 12 providers where the OfS opened an investigation in 2022-23. In selecting the provider, we placed particular weight on the number of students potentially affected by performance below our numerical thresholds, the statistical certainty we had about that underperformance, and the number of indicators or split indicators that were below a numerical threshold.

The indicators in scope of our investigation were:

Table 1: Student outcomes dashboard data as of September 2022

Indicator/ split indicator	Numerical threshold (%)	Indicator value (%)	Distance of indicator value from relevant numerical threshold (percentage points)	Proportion of statistical uncertainty distribution below numerical threshold (%)	Denominator
Continuation					
Full-time, postgraduate taught masters'	80	76.1	- 3.9	100	3,460
Part-time, other undergraduate	55	42.8	-12.2	100	4,390
Part-time, other postgraduate, computing	65	32.0	- 33.0	100	600
Part-time, other postgraduate, economics	65	57.0	- 7.0	98.9	190
Part-time, postgraduate taught masters', computing	65	62.1	- 2.9	93.4	30
Completion					
Full-time, first degree	75	71.1	- 3.9	100	3,580
Full-time, postgraduate taught masters', computing	80	71.2	- 8.8	98.5	110
Full-time, other undergraduate	65	47.0	- 18.0	100	120
Part-time, other undergraduate	55	34.3	- 20.7	100	10,140
Part-time, postgraduate taught masters', computing	65	57.3	- 7.7	99.7	300

These ten indicators formed the scope of our investigation into the provider's compliance with the condition.

Investigation outcomes

In its written submission to us, the provider made arguments relating to four themes:

1. It emphasised the socioeconomic profile of its student population, noting in particular it consisted of high proportions of students from older age groups (over 21 at the start of their studies) combining study with other responsibilities such as work or caring.
2. It explained how the flexibility offered to its students had affected its performance against the OfS's numerical thresholds.
3. It provided information about reviews of its course portfolio for postgraduate computing courses.
4. It provided contextual information relating to students undertaking other undergraduate level study.

The OfS considered the extent to which this information satisfied us that the provider's performance in relation to the indicators in scope of assessment was justified, despite being below the relevant numerical threshold. We have included some examples of this information here to illustrate our approach to reaching our decision for this provider.

1. Socioeconomic profile of students

On the socioeconomic profile of the provider's student population, the OfS did not consider this justified the provider's performance. The provider's arguments relating to this theme focused primarily on the proportion of older students studying at the provider, and the additional challenges these students were likely to experience because of other commitments such as work or caring responsibilities. The provider considered that these arguments were particularly relevant for full-time students. Although we were able to see from the data dashboards that performance was lower for older students, we did not agree that this factor in and of itself justified performance because:

- We have already taken account of evidence from the sector about the outcomes for older students and have adjusted our setting of the numerical thresholds to allow for this.
- For undergraduate students where benchmarking data is available, the provider's outcomes were materially below its benchmark for students of all age groups. We use benchmarking data to support our understanding of how students with similar characteristics have performed elsewhere in the sector.
- For postgraduate students where benchmarking data is not available, we found that outcomes for older students were substantially below the sector overall performance for those age groups.

We also considered information supplied by the provider that presented alternative approaches to modelling outcomes data that it felt would better demonstrate that it was delivering positive outcomes for students. However, we found that the approaches put forward by the provider were

unrealistic and did not take account of the wide range of variables likely to impact student outcomes, and therefore did not give weight to this information in reaching our decision.

On considering this information, we concluded that there was insufficient evidence of contextual factors related to the socioeconomic background of the provider's students to justify the provider's performance.

2. Flexibility offered to students

The provider set out a number of factors relating to its approach of allowing flexibility to its students across all areas of its provision to enable students from a range of backgrounds and personal circumstances to complete higher education qualifications. We recognised that this provider has a long-standing and evidenced mission to support students to access higher education who would not be able to study through more traditional modes of delivery. For example, the provider identified that a considerable number of students take breaks away from study between elements of their course. This particularly affected continuation indicators for postgraduate taught masters' study, where students were noted to take a full year away from study between the taught elements of the course and their dissertation.

The provider also highlighted that, prior to the 2018-19 academic year, maintenance loans were not available for part-time students, and this may have affected the choice of mode of study for some students entering first degree courses.

To reach our view on these factors, we further analysed the underlying student data to identify whether students taking breaks from their study, or moving between full-time and part-time study patterns during their course were in fact returning at a later date and achieving positive outcomes. We found that, particularly for postgraduate taught masters' students, there was evidence of a sufficiently large number of students who were returning and continuing with their studies. We considered that this was a relevant contextual factor and agreed that this justifies performance below the relevant numerical threshold for the provider's postgraduate taught masters' provision, and for the completion indicator for full-time, first degree courses.

We considered carefully evidence about the provider's emerging strategy relating to its education delivery. The provider has been evolving its delivery of courses to ensure that it is able to continue its long-standing mission to offer flexible access to higher education in the context of a changing higher education sector. For example, the provider is piloting work to offer students more choice between in-person attendance and online learning. We noted that measures relating to student outcomes formed part of the provider's internal monitoring of these changes.

Finally, we considered the information the provider had submitted about actions it had taken, or that it planned to take, to improve student outcomes. The provider referred to improvement activity it had undertaken, for example a Student Experience Review, and plans to implement further actions from 2023-24 onwards, such as a new teaching model and revisions to programme structures. These actions appeared to be wide ranging and to apply across the provider's undergraduate and postgraduate provision. However, the information did not always explain the rationale for identifying some of the actions highlighted by the provider or the improvements that the provider expected in terms of student outcomes. We also noted that we did not yet have sufficient evidence that consistently demonstrated the effectiveness of actions the provider had already taken, and that more data would be needed to evidence this in due course.

3. Reviews of postgraduate computing indicators

In the scope of our assessment, we included four indicators relating to postgraduate study within the computing subject area. We assessed these four indicators holistically because of the commonalities in subject area and level of study. In response, the provider put forward information about a strategic review it had commissioned in 2019 because of its own concerns in this subject area, and information about the actions arising from the review that had been due for implementation in the 2021-22 academic year. Although the review documents were not provided, we acknowledged that the review appeared on face value to have informed the type of investment and actions the provider had put in place. The provider was able to demonstrate that it has implemented changes in the course profile within this subject area, including the closure of some weaker performing courses. We agreed with the provider's view that the remaining courses appeared to be achieving stronger outcomes, especially for postgraduate taught masters' students, and were able to consider additional data from the dashboards published by the OfS in July 2024 that demonstrated positive outcomes for these students. Having considered the most recent data, alongside the actions implemented by the provider, we reached a view that performance was justified for the postgraduate computing indicators in scope of assessment.

4. Contextual information relating to students undertaking other undergraduate level study

The provider set out contextual factors that it suggested could influence our interpretation of the data at the 'other undergraduate' level of study. In particular, the provider highlighted the proportion of students registered for an unnamed Certificate of HE award at this level of study for administrative purposes, but who were in practice intending to study only a small number of individual modules rather than aiming towards a defined qualification.

To reach our view on this argument, we analysed data to show the difference in outcomes between students enrolled for modular study compared with those working towards a full award. This data clearly showed that students who were working towards a full award consistently achieved positive outcomes above OfS numerical thresholds. It demonstrated that the performance below numerical thresholds was driven by students who did not intend to complete a full qualification, and therefore would not be reflected in the data as a positive outcome even though, in practice, they may have achieved their own objectives for studying. We agreed this was a relevant contextual factor that justified performance in these indicators, and also noted that the provider has identified actions to manage a period of change for modular provision of this nature prior to the planned introduction of the Lifelong Learning Entitlement (LLE).

The provider also explained that it had withdrawn from offering foundation degree programmes in favour of enrolling students onto first degree programmes with an integrated foundation year. We were satisfied that the provider took this decision for its own strategic reasons before the OfS's interest. Although the provider did not provide additional analysis of the reasons for weaker performance prior to this withdrawal, we took account of the very small number of students still enrolled on these programmes and that these students are reaching the end of their course, as well as improving outcomes in the most recent data. We decided that any regulatory action at this stage would not deliver any benefit to students.

Having taken these factors into account, we agreed that weaker outcomes for 'other undergraduate' study were the result of relevant contextual factors and therefore agreed that performance was justified.

Conclusion

In conclusion, we acknowledged that the provider's submission demonstrated some relevant contextual factors that explained and justified its performance. These primarily related to the flexibility this provider has historically offered to students, and the availability of evidence to demonstrate that students are achieving positive outcomes in sufficient numbers. We further acknowledged that the provider had taken some steps to improve the quality of its provision and to support the delivery of improved outcomes in some specific areas.

We therefore concluded that the provider's performance was justified for the indicators in scope of assessment. The provider has been advised of our decision.