

Regulatory case report for Blackburn College: Ongoing condition B3 investigation outcome

Summary

This report confirms the outcomes of the Office for Students' (OfS's) investigation into Blackburn College's compliance with ongoing condition of registration B3 (student outcomes).

The investigation focused on courses delivered by the University Centre at Blackburn College (the provider).¹ The indicators in scope of the investigation were:²

- completion outcomes for full-time first degree students
- continuation outcomes for full-time, first degree students
- continuation outcomes for full-time, other undergraduate students.

In relation to the continuation outcomes for full-time, first degree students and full-time, other undergraduate students, the OfS found that the contextual factors submitted by the provider justified its performance but concluded that there is an increased risk of the provider breaching ongoing condition B3³ in the future.

The assessment found that the provider's context did not justify performance for its completion outcomes for full-time first degree students and concluded that this indicator is also at increased risk of breaching condition B3 in the future.

This report sets out our findings and our decision to impose a specific condition of registration (an 'improvement notice') requiring the provider to take action to mitigate against the increased risk of

¹ See <https://blackburn.ac.uk/study/university-centre-blackburn-college>.

² We produce 'indicators' for each higher education provider that represent the performance of cohorts of students for a particular mode and level for a given student outcome measure. For example, we produce an 'indicator' for continuation for full-time, first-degree students. For more information see www.officeforstudents.org.uk/publications/regulatory-advice-20-regulating-student-outcomes/.

³ 'Conditions' and 'conditions of registration' are general terms used to mean all types of condition that a provider must satisfy in order to be registered. They include:

- initial conditions of registration, which a provider must satisfy as part of its application to join the Register
- general ongoing conditions of registration, which a provider must satisfy after it has joined the Register in order to maintain its registered status
- specific conditions of registration, which are additional conditions imposed by the OfS on a particular provider to mitigate or manage specific risks or weaknesses that it has identified.

a future breach for the three performance indicators investigated. This report also sets out the actions the provider has started to undertake to mitigate against the risks identified.

Background

Blackburn College is a further education college located in Lancashire in the north-west of England. Its University Centre offers a range of higher education qualifications from Levels 4 to 7, validated by various partners. This investigation looked at student outcomes which are delivered by the University Centre at Blackburn College. The outcomes do not relate to the wider college provision.

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',⁴ each year the OfS decides:

- which student outcome measures, modes and levels of study⁵ we wish to prioritise
- whether we should focus on any particular split indicators⁶, 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 2022.⁷ As part of its assessment cycle for student outcomes in 2022-2023, the OfS has opened investigations at 12 higher education providers. In relation to the prioritised categories, the three indicators included in Table 1 below formed the scope of our investigation into the provider:

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 (%)	Statistical uncertainty distribution below numerical threshold (%)
Continuation				
Full-time, first degree	80	75.1	-4.9 points	100

⁴ 'Regulatory advice 20: Regulating student outcomes' page 17 summarises the modes of study, levels of study and split indicators we use to create our student outcome measures. See www.officeforstudents.org.uk/publications/regulatory-advice-20-regulating-student-outcomes/.

⁵ A mode of study can be full-time, part-time or apprenticeship.

⁶ Split indicator: A subset of a split indicator type (for example, 'black' is a split indicator within the 'ethnicity' split indicator type).

⁷ See www.officeforstudents.org.uk/publications/condition-b3-prioritised-categories-for-the-2023-24-assessment-cycle/.

Indicator/split indicator	Numerical threshold (%)	Indicator value (%)	Distance of indicator value from relevant numerical threshold (%)	Statistical uncertainty distribution below numerical threshold (%)
Full-time, other undergraduate	75	71.7	-3.3 points	99.9
Completion				
Full-time, first degree	75	66.5	-8.5 points	100

Investigation outcomes

As set out in our regulatory advice on student outcomes, we firstly considered contextual information already held by the OfS that may have enabled us to judge that the provider's performance in relation to these indicators was justified despite being below the relevant numerical thresholds.⁸ This included benchmark information (which allows us to understand how well a provider has performed compared with the performance for similar types of students on similar types of courses in the higher education sector as a whole), as well as information about the size and shape⁹ of the provider's provision.

The provider's performance was below the relevant benchmark values for each of the three indicators in scope. We therefore concluded that, on the basis of the information we held, the OfS could not consider the provider's performance to be justified in relation to the indicators in scope of assessment, and we proceeded to open an investigation into the provider's compliance with ongoing condition B3.

In accordance with our guidance on regulating student outcomes, we engaged with the provider and invited it to submit contextual information relevant to our assessment of its performance. Our engagement involved meeting with the provider to discuss our request, provide further explanation about why it had been selected for assessment, and answer any other questions the provider had.

In its written contextual submissions, the provider provided information under four themes:

1. The socioeconomic profile of its student population, consisting of high proportions of mature students, those from ethnic minority backgrounds and the lowest associations between

⁸ We set different numerical thresholds for each student outcome measure (continuation, completion and progression) and for each mode and level of study. The numerical threshold levels represent our minimum expectations for the percentage of students achieving positive outcomes for each indicator. For example, 80 per cent is the numerical threshold for continuation for full-time, first degree students.

⁹ See www.officeforstudents.org.uk/data-and-analysis/size-and-shape-of-provision-data-dashboard/. The size and shape of provision data dashboard equips the OfS, Teaching Excellence Framework (TEF) panel members and other users with an understanding of the provider's context in terms of the provider's size, the types of courses it offers, the mix of subjects it offers and the characteristics of its students.

characteristics of students (ABCS) quintiles,¹⁰ and households with low educational attainment.

2. Changes to its senior leadership since 2019 and the actions it has since taken to improve the quality of its courses.
3. Further actions planned to improve the quality of its courses.
4. The provider's own recent data for the three indicators in scope of the OfS's investigation to show the impact of the provider's actions to date, intending to show improvement over time (including, in some instances, improvement above the relevant numerical thresholds).

The provider co-operated fully in the investigation process, and provided further information to clarify the context in which it was operating on request. The OfS considered the extent to which this information satisfied us that the provider's performance in relation to the indicators in scope was justified by context, despite being below the relevant numerical threshold.

Student characteristics

The provider's submission described the challenges faced by its students and explained that the local area ranks highly for levels of social and economic deprivation, and that many of its students are over the age of 21, from minority ethnic groups, and the lowest ABCS quintile. The OfS did not consider that the provider's information about the demographics of its student population justified performance below threshold for the indicators in scope. This was because we concluded we had already adequately accounted for differences in student outcomes as a result of particular student characteristics in the following ways:

- a. In setting the numerical thresholds underpinning condition B3, the OfS takes account of observable differences in past student performance where analysis shows that particular student, course or provider characteristics have historically been associated with outcomes that are worse than those of other students, once we have controlled for a range of other characteristics. Where appropriate, the OfS made a downward adjustment in setting the numerical thresholds, such that observable differences in student outcomes linked to particular student characteristics which may otherwise contribute to a provider's underperformance have been accounted for in setting the numerical thresholds against which performance is judged.
- b. The OfS benchmark values¹¹ are calculated as a weighted sector average to allow meaningful comparison between similar types of students on similar types of courses in the sector and a particular provider. Benchmarks therefore help interpret a provider's actual performance relative to the sector overall once we have considered the mix of students at the provider or the provision being offered.

On the basis that the provider was performing both below our numerical thresholds and below its corresponding benchmark values for all indicators in scope of assessment, and because we judged that all of the student characteristics referred to in the provider's submission had been

¹⁰ ABCS is a set of measures that seeks a better understanding of how outcomes vary for groups of students with different sets of characteristics (for example, ethnicity, sex and background). Students in the lowest ABCS quintiles are those least likely to achieve positive outcomes.

¹¹ See www.officeforstudents.org.uk/data-and-analysis/benchmarking/.

adequately accounted for in setting those thresholds and benchmarks, we concluded that the provider's student demographic did not offer a justification for its underperformance for the three indicators in scope.

Senior leadership changes and actions taken to improve quality

In 2019 the provider appointed a new principal, chief executive and new chair of the corporation board. The provider also made other changes to its college leadership team and the board of governors. The provider implemented a 2019 to 2021 improvement plan to comply with the specific ongoing condition that the OfS imposed when the provider was first registered. The provider set out in its contextual submission that since 2019 it has invested in its wrap-around services, offering tailored academic support, and has also enhanced the targeted pastoral support offered to address factors which impact on the students' ability to continue and complete study. The provider also set out that it had undertaken a review to respond to a decline in higher education student registration numbers and student outcomes. The investigation confirmed that the provider has been aware of the issues with its completion and continuation outcomes, and that the new college leadership team had prioritised these as areas for ongoing improvement.

The OfS considered the student outcomes data dashboard, including the most recent data relating to continuation for full-time entrants in 2020-21, to assess what impact, if any, the provider's actions may have had on its student outcomes. We assessed the credibility of the provider's actions, and also evaluated how the coronavirus pandemic may have affected the provider's actions and outcomes during the period in scope of our investigation. We acknowledged that actions led by the new leadership team would reasonably take time to embed.

When assessing the impact of the provider's actions, the current published data in the OfS student outcomes data dashboard shows some evidence of improvement for the two continuation indicators in scope of our investigation.

Table 2: Continuation, full-time, other undergraduate student outcomes data as of April 2023

Continuation, full-time, other undergraduate	Threshold (%)	Indicator value (%)	Statistical certainty below threshold (%)	Benchmark (%)	Contribution to own benchmark (%)
2017-18 entrants	75	70.8	98.8	80.7	8.1
2018-19 entrants	75	69.2	99.4	80.5	9.9
2019-20 entrants	75	71.3	93.3	82.0	4.6
2020-21 entrants	75	76.4	31.5	79.2	5.2

For the continuation, full-time, other undergraduate indicator in 2020-21, the provider delivered a performance above threshold for the first time in the four years of current data, which indicates that actions taken by the provider may have led to incremental improvement. As summarised above, we also considered contextual factors, which may have affected the provider's outcomes to determine if context justified performance for this indicator. We considered the actions taken to improve outcomes set out in the provider's contextual submission, and its plans to improve quality

going forward. This information informed our conclusion that context justified performance for this indicator.

Table 3: Continuation, full-time, first degree student outcomes data as of April 2023

Continuation, full-time, first degree	Threshold (%)	Indicator value (%)	Statistical certainty below threshold (%)	Benchmark (%)	Contribution to own benchmark (%)
2017-18 entrants	80	68.8	100	83.7	2.0
2018-19 entrants	80	75.3	96.5	82.5	2.6
2019-20 entrants	80	82.8	15.8	84.5	1.5
2020-21 entrants	80	72.5	99.4	81.4	1.9

For full-time, first degree students, the provider achieved a performance above threshold in 2019-20, but this improvement was not sustained in 2020-21 as the provider's performance fell below threshold. As set out above, we considered if the contextual evidence submitted by the provider offered information which justified the provider's outcomes for this indicator. We determined that the actions taken by the provider had some positive impact on the continuation indicators in scope. We also concluded that performance against this indicator is likely to have been affected by the challenges arising across the sector during the coronavirus pandemic, and that the below-threshold performance in the most recent year of data may in part be explained by this. We therefore concluded that on the basis of the evidence held, context also justified performance for this indicator.

Table 4: Completion, full-time, first degree student outcomes data as of April 2023

Completion Full-time, first degree	Threshold (%)	Indicator value (%)	Statistical certainty below threshold (%)	Benchmark (%)	Contribution to own benchmark (%)
2014-15 entrants	75	67.0	99.5	79.5	4.6
2015-16 entrants	75	66.7	99.9	75.8	3.3
2016-17 entrants	75	61.4	100	77.6	3.8
2017-18 entrants	75	64.0	100	74.9	7.3

For the completion indicator, we also considered the provider's actions, including its investment in pastoral and academic support, and its positive engagement with the OfS during the investigation to begin addressing concerns with its internal data. We also acknowledged that the coronavirus pandemic may have had some impact on the most recent years of data. In contrast to the continuation indicators, the completion outcomes in scope are consistently and materially below threshold and benchmark for all years captured in the OfS student outcomes data dashboard, and we did not consider that the provider's context justified this performance.

Actions planned to improve quality

The provider had recognised that ongoing improvement to address continuation and completion outcomes was required before it was selected for assessment, and it had prioritised this in its planned improvement activities for 2022-23. Planned actions to improve student outcomes included initiatives to support student attendance, offering targeted support for pastoral issues, and undertaking staff development to enhance teaching and learning methods.¹²

In considering these plans, we found that they required further development to provide the OfS with sufficient assurance that the college had credible plans in place to deliver improved student outcomes in 2022-23 and beyond. This was because the plans did not appear to be sufficiently detailed, which would make them difficult to implement and monitor effectively, therefore calling into question the extent to which they would deliver the intended improvements within appropriate timescales.

Internal data

The provider initially submitted its own data, which appeared to show improvement in the three most recent years it covered (2019-20 to 2021-22), including years in which the provider was suggesting performance above the OfS's relevant numerical thresholds. We sought clarification from the provider about the methodology it had used to construct the internal performance data it had supplied, as the data was not consistent with the OfS's published data. Despite clarification from the provider, the OfS was unable to reconcile the provider's internal data with the OfS student outcomes data dashboard. Following further engagement with the provider, it revised its internal data, taking steps to identify the cause of the initial discrepancies and to align itself with the OfS methodology to reconstruct its internal data.

It resubmitted internal data showing performance across the time series up to academic year 2022-23. We were satisfied that the provider took action to identify and explain how discrepancies had first arisen. However, the revised internal data it submitted still did not match the OfS's published data, and we could not reconcile the discrepancies which were still evident. We identified that the provider's revised internal data broadly mirrored the performance trends evident in the OfS data dashboard. The OfS data demonstrates that performance at or above threshold had not been sustained for the continuation indicators in scope. The revised internal completion data also reflected the concerns identified in the OfS data, as it now aligned with the trend visible in the dashboard, which confirms that outcomes are materially below threshold across the time series.

The provider's internal data also raised concerns about its plans to improve student outcomes in the future. The provider's use of its internal data to date meant there was a risk it would miss the trends visible within the OfS data against which its compliance is judged. The OfS provides the data dashboards so that providers can access the same information that we use to inform our regulatory judgements. We concluded that unless the provider reviews its use of data the improvement it delivers may not be sufficient to ensure compliance with the OfS's condition of registration.

¹² See <https://blackburn.ac.uk/study/university-centre-blackburn-college/life-at-university> for more information about the financial, pastoral and learning support offered at the University Centre at Blackburn College.

Conclusion

Having considered the contextual information, we were satisfied that context justified performance for the two continuation indicators in scope, but concluded that there was an increased risk of breach. This was because performance at or above threshold has not yet been sustained and to take account of the concerns related to the provider's current use of data and the credibility of its plans.

For the completion indicator, we concluded that context did not justify performance, and we considered whether it was proportionate to find a breach. We considered the provider's actions and the evidence of incremental improvement emerging for the continuation indicators in scope. We also acknowledged that the new leadership had limited opportunity to respond specifically to the revised B3 thresholds and condition. On balance we considered it would be disproportionate to find the provider in breach of condition B3. We found that the provider's past actions have yet to lead to improvement for the completion indicator, and concluded that the completion, full-time, first degree indicator is also at increased risk of breach in the future. We consider that this aligns with our commitment to undertake a 'light touch' approach in the first year of conducting revised B3 assessments by using improvement notices, rather than the more intrusive sanctions available to us.

The OfS has imposed on the provider specific ongoing condition of registration B3B, which requires it to improve outcomes for all three of the indicators in scope of our investigation. Specific ongoing condition B3B is designed to ensure that the provider takes further steps to align its internal data, and to ensure that its actions are appropriately informed by engagement with the OfS data used to inform our regulation of condition B3. During the course of the investigation, the provider demonstrated that continuation and completion outcomes have remained areas of priority, and that it has begun reviewing its internal data. The specific ongoing condition will provide a defined period for comprehensive review to take place. This will enable the University Centre at Blackburn to assure itself that it is taking sufficiently targeted action to deliver and sustain positive outcomes for students. The provider is required to take targeted action to bring its performance in relation to the three indicators at or above the relevant OfS numerical thresholds by spring 2028.