

# Regulatory case report for Buckinghamshire New University – finding of a breach of condition B2 requirements related to resources and support

## Summary

This case report explains the regulatory judgement of the Office for Students (OfS) regarding a quality assessment of the Buckinghamshire New University ('the provider') and its compliance with ongoing condition of registration B2.<sup>1</sup> In it we explain why we have decided that the provider breached this condition.

## 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>2</sup>

As a result of the OfS's general monitoring, in May 2022 it decided to open an investigation into the quality of business and management courses provided by Buckinghamshire New University. 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.<sup>3</sup> Through its activities, the team identified five areas of concern that may have related to Buckinghamshire New University's compliance with the OfS's conditions of registration:

- **Concern 1.** The assessment team concluded that the university was not consistently providing a high quality academic experience because:
  - a. The teaching and learning resources used to teach disciplinary knowledge were not consistently up to date.
  - b. The manner of teaching delivery meant that courses were not consistently effectively delivered.

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<sup>1</sup> See OfS, [Condition B2: Resources, support and student engagement](#).

<sup>2</sup> Available at OfS, [Regulatory framework for higher education in England](#).

<sup>3</sup> See OfS, [Quality assessment report for Buckinghamshire New University](#).

- c. Delivered content was not consistently informed by up-to-date, discipline-specific academic theory and research. This meant that courses did not consistently require students to develop relevant skills.

This concern relates to condition of registration B1 because this condition requires that students registered on each higher education course receive a high quality academic experience.

- **Concern 2:** The assessment team found that a lack of adequate educational leadership and academic governance was affecting the overall academic experience of students. This concern relates to condition of registration B1 because the educational leadership and academic governance did not ensure that students registered on each higher education course received a high quality academic experience.
- **Concern 3:** The assessment team found that the cohort of students recruited by the university required high quality resources to support their independent learning. However, the quality of the virtual learning environment (VLE) was not consistent, with some modules having inadequate learning materials to facilitate the cohort of students' learning. This concern relates to condition of registration B2 because the assessment team considered that students were not consistently receiving resources sufficient for them to succeed in and beyond higher education.
- **Concern 4:** The assessment team found that student academic support needs were not consistently identified, limiting the opportunity for senior and academic staff to enhance the quality of poor-performing modules and improve the academic experience of students. This concern relates to condition of registration B2 because the assessment team considered that the university was missing opportunities that could have been taken to ensure students had sufficient academic support to succeed in and beyond higher education.
- **Concern 5:** The assessment team found that the pedagogical and teaching skills of different academic staff across business and management courses varied considerably. This concern relates to condition of registration B2 because the assessment team considered that appropriately qualified and pedagogically experienced staff were not sufficient in number nor consistently deployed effectively to ensure a high quality academic experience for students.

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 it had 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. The OfS decided that the provider was in breach of condition B2 at the time of the assessment. This case report sets out the reasons for this decision.

## Relevant OfS conditions of registration and OfS regulatory findings

Our view is that the concerns raised by the assessment team represent a breach of condition B2. However, our engagement with the provider following the conclusion of the assessment shows that the provider has taken appropriate actions to remedy the breach, and is not at increased risk of a

future breach of this condition at this time. We have not made regulatory judgements about compliance with condition B1.

## **Condition B1**

This condition requires a provider to ensure that students 'receive a high quality academic experience', which includes but is not limited to ensuring that 'each higher education course is up to date', 'each higher education course is effectively delivered', and that 'each higher education course, as appropriate to the subject matter of the course, requires students to develop relevant skills'.

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

In concern 1, the assessment team identified a concern that the teaching and learning resources used to inform teaching were not consistently up to date and this was affecting the academic experiences of students. The assessment team also identified a concern that the manner of teaching delivery meant that courses were not consistently effectively delivered. The assessment report sets out the team's view that the traditional, didactic in-person delivery approach of lengthy teaching sessions was affecting the academic experience of students. In addition, the team were concerned that teaching sessions were over-reliant on PowerPoint and lacking engaging knowledge-aligned teaching activities. Lastly in concern 1, the assessment team identified a concern that courses were not consistently providing what they considered to be expected academic content for some modules and this had affected the academic experience of students. The assessment team's view was that the provider did not consistently present content with the expected up-to-date, discipline-specific theoretical underpinnings and academic sources. This limited students' opportunities for necessary independent study and academic skill development.

Following our consideration of the content of the quality assessment report, we consider that the assessment team identified legitimate concerns relating to the quality of the academic experience provided to business and management students at the provider. We consider that it would have been open to us to make a finding of a breach in respect of the provider's compliance with condition B1. However, we are mindful that many of the issues that the team identified in respect of condition B1 overlap with the matters the team considered in concern 3 under condition B2. As a result, we have determined that the most appropriate and targeted response to the collective concerns, is to not make any adverse findings under B1 in addition to those, as set out below, that we are making under condition B2.

In concern 2, the assessment team identified concerns relating to educational leadership and academic governance at the provider. The assessment team concluded that a number of concerns arising from the quality assessment either had links to, or were based in, a lack of adequate educational leadership and academic governance and that this was affecting the overall academic experience of the students.

The OfS has not made any findings of non-compliance (or increased risk of future non-compliance) with condition B1 based on the information contained within concern 2 of the quality assessment report. The assessment team considered evidence indicating legitimate concerns, and used this to provide additional context relating to their views on the underlying causes of the other concerns identified in the quality assessment report. Accordingly, the OfS has reviewed the information set out in concern 2 when considering the assessment team's conclusions in respect of the other concerns identified.

## Condition B2

One requirement of this condition is that a provider 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 succeed in and beyond higher education'.

Resources include, but are not limited to, 'the staff team that designs and delivers a higher education course being collectively sufficient in number, appropriately qualified and deployed effectively to deliver in practice', and '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'.

### OfS judgement on condition B2

In concern 3, the assessment team concluded that the learning resources provided on the provider's VLE were not consistently ensuring a high quality academic experience and/or supporting the success of the cohort of students studying on the business and management courses that the team focused on in its assessment. The assessment team concluded that there was a low level of in-person attendance on these courses, and that students who were not attending needed adequate resources to ensure that they had access to a high quality academic experience and the opportunity to succeed on and beyond their course. The quality assessment report sets out the assessment team's view that the quality of the resources available on the provider's VLE was inconsistent, with some modules having inadequate materials to facilitate the cohort of students' learning. For example, the assessment team saw a lack of audio or video recordings of lectures and seminars, no summaries of discussions in seminars and a lack of asynchronous activities and up-to-date reading lists. In the assessment team's view, these materials would have helped support students who were unable to attend.

The assessment team identified that the provider typically recruits a lot of students who are in employment, or with additional caring responsibilities. Students in these categories are more likely to face challenges with attendance. 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 to ensure sufficient resources for its specific cohort of business and management students. These steps would have meant that students unable to attend had sufficient resources to catch up with their studies.

The assessment team also identified concerns with the quality of resources on the provider's VLE in concern 1, specifically that teaching materials lacked engagement with up-to-date academic theoretical or research-informed sources, and that there were examples where the provider's resources lacked appropriate academic references. This was supported by the assessment team's observations of the use of these resources in teaching, and by feedback from students. We consider that ensuring engagement with relevant, up-to-date academic sources, and including associated references in teaching resources would have been a reasonable step for the provider to have taken to ensure the provision of sufficient resources for its cohort of business and management students. This would have supported students' independent learning by signposting further reading to support or enhance their understanding of topics, and by extension would have supported them to succeed on their courses. We consider that the issues identified by the

assessment team in concern 1 overlap with those in concern 3, as both relate to the quality and completeness of the provider's learning resources.

In concern 4, the assessment team identified that the provider missed opportunities to identify the academic support needs of its cohort of business and management students studying the courses that the team focused on during their assessment. These missed opportunities included partial reporting of student attainment data in the provider's module board summary reports. The provider was excluding those students in the cohort who did not submit assignments from the percentage that passed the module overall. This meant that leadership staff and course academics were missing the opportunity to put in place appropriate levels of academic support that would facilitate the success of the provider's cohort of students. The assessment team also identified that the provider had ceased its use of end-of-module student surveys. It found that this may also have limited the provider's opportunities to identify and develop its students' academic support needs.

We consider that it would have been reasonable to expect the provider to have included students who did not submit assignments in its module attainment data. Without taking this step, the provider's view of module performance, and by extension its understanding of the academic support needs of its cohort of students, may have been skewed. Conducting end-of-module evaluation surveys is another reasonable step that the provider could have taken to make sure its cohort of students had sufficient support. Such surveys could have provided valuable feedback from students relating to challenges and their specific support needs. Alternatively, the provider could have sought this anonymised, module-specific feedback through a different format.

We have concluded following our consideration of concerns 1, 3 and 4, as set out above, that the provider was not taking all reasonable steps to ensure that its cohort of students registered on each of its business and management students received resources and support sufficient for the purpose of ensuring a high quality academic experience for those students, or for the purpose of ensuring that those students succeed in and beyond higher education. Therefore, we have judged that the provider was in breach of condition B2 at the time of the assessment.

In concern 5, the assessment team identified a concern that the pedagogical and teaching skills of different academic staff teaching on the business and management courses that the team assessed varied considerably. The assessment team noted that modules with poorer outcomes had been linked to associate lecturers, who in their view seemingly lacked the pedagogic knowledge necessary to deliver teaching and learning effectively to the provider's cohort of students. The assessment team also concluded that some key permanent academic staff had a limited understanding of pedagogical theory.

The OfS has not made any additional findings of non-compliance with condition B2 relating to the sufficiency of the staff team based on the information contained within concern 5 of the quality assessment report. The evidence the OfS considered demonstrated that the assessment team's concerns were legitimate, and that at the time of the assessment the provider was at increased risk of non-compliance with this element of condition B2 due to the issues identified in concern 5. However, the actions that the provider has taken since publication of the quality assessment report are likely to be effective at addressing the concerns.

## **How we reached our judgement**

When coming to our regulatory judgement, we have focused and placed significant weight on the particular academic needs of the provider's cohort of students. This included placing weight on the

principle that when the academic needs of a cohort of students are greater, the number and nature of the steps needed to be taken by a provider are likely to be more significant. We considered the specific needs of the provider's cohort of students in respect of their attendance and responsibilities outside of their studies, related to concern 3. We also considered the steps the provider had taken to understand the academic needs of its specific cohort of students, related to concern 4.

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 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.

Information that the provider has supplied to the OfS demonstrated that it has made improvements to its learning resources provided to students on its VLE. It also demonstrated improvements to policies intended to ensure consistency of the quality and availability of these resources, additional oversight of the quality and availability of resources, and improved support for teaching staff related to the development and improvement of VLE resources.

The provider has also demonstrated that it has taken appropriate steps to address the missed opportunities to identify the academic support needs of its students. It has amended its module summary reports, and reinstated end-of-module student surveys. It has also improved additional policies and procedures that will mean it can provide sufficient support to students in a better way. These measures include amendments to its enrolment process, its engagement and attendance procedures, and additional scrutiny of module performance.

We consider that the steps taken by the provider have remedied the breach of condition B2, and that they are sufficient to mitigate future risk of non-compliance with this condition in relation to these issues. The provider has supplied evidence that its actions have been appropriate in addressing the causes of breach, that they have been implemented effectively, and that they are and will continue to be appropriately embedded as part of its wider educational strategy. The provider has demonstrated that it has considered the wider concerns identified in the quality assessment report and where necessary it has also taken improvement actions. The provider has also issued a statement in relation to the findings of the quality assessment and breach of condition B2.<sup>4</sup>

## **Regulatory intervention**

In considering our regulatory response following the finding of a breach of condition B2, we have weighed up the relevant intervention factors and the OfS's general duties.<sup>5</sup> We have considered the impact of the breach on students, and placed weight on the fact that the breach likely had a material impact on some of the provider's cohort of students. We have also placed significant

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<sup>4</sup> See [Findings and response following quality assessment of business and management courses | Buckinghamshire New University](#).

<sup>5</sup> See OfS, [Overview of monitoring of risk for registered providers](#) and [The OfS's risk-based approach](#).

weight on the actions taken by the provider that have successfully remedied the breach, and appropriate actions it has taken to mitigate future risk.

While regulatory interventions were an option, we have decided to take no further regulatory action, and to close the investigation into business and management courses at the provider. When coming to this judgement, we were conscious that we should not impose an intervention that is any more burdensome for the provider than needed to address the areas of concern and to incentivise future compliance. The provider has demonstrated to the OfS that it has acted swiftly and comprehensively to restore compliance with condition B2, and to address the wider concerns raised in the quality assessment report. We have decided, therefore, that the OfS does not need to intervene. Doing so would not be in line with our risk-based approach to regulation, or an effective use of OfS resources.