

Consultation on a new approach to regulating student outcomes

About you

What is your name?

Devika Baude

What is your email address?

Devika.Baude@nmc-uk.org

Are you responding on behalf of an individual or an organisation?

Organisation

What is the name of your organisation? (If not relevant, please answer 'N/A')

Nursing and Midwifery Council (NMC)

Which of the following best describes you?

Other (please specify):

Professional, statutory and regulatory body (PSRB)

General questions regarding this consultation

Q1. Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.

No, there are no aspects of the proposals we found unclear. We welcome the opportunity on behalf of the NMC to respond to the Office for Students' (OfS's) Student Outcomes and teaching excellence consultations.

We are responding to all the questions within the first OfS Consultation on 'a new approach to regulating student outcomes', but will be specifically focusing our response on Questions 14 and 17 which considers whether to take regulatory intervention when a breach is identified and the envisaged regulatory burden on registered providers.

Our vision is safe, effective and kind nursing and midwifery that improves everyone's health and wellbeing. As the professional regulator of almost 745,000 nurses and midwives in the UK and nursing associates in England, we have an important role to play in making this vision a reality. Our core role is to regulate. First, we promote high education and professional standards for nurses and midwives across the UK, and nursing associates in England. Second, we maintain the register of professionals eligible to practise. Third, we investigate concerns about nurses, midwives and nursing associates – something that affects less than one percent of professionals each year. We believe in giving professionals the chance to address concerns, but we'll always take action when needed.

Q2. In your view, are there ways in which the objectives of this consultation (as set out in paragraph 7) could be delivered more efficiently or effectively than proposed here?

No view

Questions relating to Proposal 1: Revising condition B3 and associated guidance in the regulatory framework

Q3. Do you agree or disagree that the proposed wording of condition B3 will enable the OfS to meet its policy objectives? If you disagree, what changes do you think are necessary to do so?

Don't know

Comments:

No view

Questions relating to Proposal 2: Constructing indicators to assess student outcomes

Q4. Do you agree or disagree with the proposals for how we will construct a student outcome measures? Do you have any alternative suggestions?

Don't know

Comments:

No view

Questions relating to Proposal 3: Setting numerical thresholds for student outcome indicators

Q5. Do you agree or disagree with our proposed approach to setting numerical thresholds set out in Annex E? If you disagree, please provide reasons and any alternative suggestions.

Don't know

Comments:

No view

Q6. Do you agree or disagree with the proposed numerical thresholds set out in summary in Table 1 and shown in full in "Setting numerical thresholds for condition B3"?

Don't know

Comments:

No view

Questions relating to Proposal 4: Publishing information about the performance of providers in relation to the OfS's numerical thresholds

Q7. Do you agree or disagree with our proposal to publish information about individual providers' student outcomes and performance in relation to our numerical thresholds, as well as sector-wide data, on our website?

Don't know

Comments:

No view

Questions relating to Proposal 5: Making judgments about compliance with condition B3, including consideration of context

Q8. Do you agree or disagree with the proposed approach to assessment set out in Annex F? Is there anything we could do to improve the clarity of this information for providers?

Don't know

Comments:

No view

Q9. Do you agree or disagree with our proposed general approach to prioritisation? If you disagree, do you have any alternative suggestions for how we should approach prioritisation?

Don't know

Comments:

No view

Q10. Do you think that the OfS should adopt Option 1 or Option 2 (see paragraphs 207) when defining the scope of each assessment for ongoing condition B3?

No view

Q11. Do you agree or disagree with our proposals for considering the context of an individual provider when assessing compliance with condition B3?

Agree

Questions relating to Proposal 6: How the OfS will address statistical uncertainty in the assessment of condition B3

Q12. Do you agree or disagree with the proposed approach to using statistical measures when considering a provider's performance in relation to numerical thresholds?

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Agree

Q13. Do you have any suggestions for additional steps the OfS could take to provide greater clarity about the impact that the proposed approach to statistical confidence may have for individual providers?

No view

Questions relating to Proposal 7: Taking regulatory intervention when a breach is identified

Q14. Do you agree or disagree with our proposals to impose an 'improvement notice' where we find a breach of condition B3?

Agree

Comments:

As the statutory regulator for nursing, midwifery and nursing associate programmes across all parts of the United Kingdom (UK), we set the educational and professional standards. Our statutory function includes approving the quality assurance of professional education programmes, ensuring they are continuing to meet our standards and requirements, and taking action where concerns are identified.

Our updated quality assurance framework operates a data driven and risk-based approach to nursing and midwifery education and streamlines our processes, ensuring that the regulatory interventions we take are robust, targeted and proportionate. With respect to the imposition of improvement notices by OfS, whilst we do not disagree with this, but we are concerned about the potential for duplication, or disparities in the outcomes of quality and risk assessments between different bodies working within the sector.

We agree with your proposals around 'improvement notices' but this needs to be in collaboration with PSRBs to avoid duplication or divergence in findings and action, and to minimise regulatory burden on education institutions.

We work closely with other organisations and other healthcare regulators to promote best practice and share insights and intelligence on education quality assurance, to enable safe learning and practice, and would welcome more close working with the OfS.

We also support your proposal to take individual decisions about each case. This is part of being flexible and taking targeted and proportionate action.

Q15. Do you agree or disagree with our proposals to take account of a provider's compliance history in relation to condition B3 for the purpose of determining eligibility for other benefits of OfS registration?

Agree

Questions relating to Proposal 8: Timing of implementation

Q16. Do you agree or disagree with the proposals for the implementation of the proposed approach to regulating student outcomes? If you disagree, do you have suggestions for an alternative timeline?

Don't know

Comments:

No view

Question relating to considering regulatory burden on registered providers

Q17. Is there anything else we could consider that would reduce regulatory burden for providers while regulating minimum requirements for student outcomes?

We support the aim of the OfS to minimise its regulatory burden on HEIs. Many PSRBs, including ourselves, operate a data driven approach to quality assurance of HEI programmes, and we therefore share a similar objective.

It's important that regulation is proportionate, aligns with the devolved nations and avoids unnecessary duplication and burden on providers. We support the OfS taking a risk-based approach to regulation which is clearly set out in your regulatory framework.

We note that your proposals will result in an increased burden for a HEI that is selected for assessment of non-compliance, and that these providers may be required to provide the OfS with additional information about the context in which they are operating and the effect this may have had on its past student outcomes. We believe that if an HEI is being investigated for potential non-compliance, because of the NMC's role in regulating these providers, the OfS needs to contact the NMC immediately in these circumstances to ascertain any context we can provide, and work together on resolving concerns.

We believe it is important for the OfS to work together as a sector in partnership with PSRBs, to help reduce duplication and regulatory burden on HEIs. We understand that to ensure the sector is aligned on decisions around quality, the OfS will be looking at where PSRBs are accrediting and making interventions and will be guided by the PSRB's regulatory outcomes.

With these proposals, we would welcome strengthening our relationship and a further discussion to explore ongoing strategic engagement. In particular we would welcome a discussion on data sharing where possible and the strengthening of intelligence-sharing and communication channels. This will help to drive efficiencies and support a proportionate approach to regulation across the sector.