

# DRAFT

# Supplementary guidance: conditions B4 and B5

## Introduction

1. The OfS introduced revised conditions of registration B4 and B5 in May 2022. The guidance that accompanies these conditions sets out an expectation that a provider should retain ‘appropriate records’ of assessed students’ work, including for students who are no longer registered on a course, for a period of five years after the end date of a course.[[1]](#footnote-1) This is because students’ assessed work is likely to be relevant evidence in making judgements about compliance with elements of these conditions.
2. We understand that providers may not have historically retained assessed student work for their own purposes beyond a short period when a student might make an appeal – typically this might be [three to six months] following the assessment of work in any academic year.[[2]](#footnote-2) Providers have therefore been concerned about an expectation that assessed work should be retained for all students for a much longer period and the burden, storage and cost implications of this.
3. This supplementary guidance is therefore intended to provide further information about the OfS’s expectations. It is important to note that this document, along with the guidance set out in the regulatory framework for conditions B4 and B5, has the status of ‘guidance’. Providers are autonomous institutions and should interpret and implement the guidance as they consider appropriate for their own context. This means that a provider has latitude to judge what may constitute ‘appropriate records’ for retention and should not understand this to mean ‘all records for all students in all contexts’. The use of ‘appropriate’ in the guidance deliberately gives a provider space to make reasonable judgements about what to store and what not to store.
4. A provider should document the evidence and analysis that has informed its decisions about the assessed work it will retain, and the reasons for this, in order to demonstrate why it considers that judgement to be reasonable. If a provider is selected for assessment and the OfS considers that appropriate records of assessed students’ work are not available to inform a judgement about compliance with conditions of registration, we would be likely to consider imposing a specific condition of registration to impose binding requirements for the assessed work that must be retained, and the duration of retention.
5. We recognise that some types of assessment do not lend themselves to storage and retrieval for these purposes. Storage of sculptures or other artefacts produced for assessment is not likely to be ‘appropriate’ and we would not expect a provider to find large-scale storage space for physical objects. If a statutory or regulatory body held a clear position on which records should be retained for practical assessments in order to assure it about compliance with its professional requirements, the OfS would not want to hold a different view about the records to be retained.
6. Our interest is focused on the usefulness of the assessed work for making the judgements implied by the requirements in the condition itself. Our starting point is that we need access to primary evidence – the assessments themselves – to reach a judgement in relation to those requirements, for example whether students have been assessed effectively and whether assessment is valid and reliable.
7. It is likely that some of the contextual documentation from the assessment process – for example, assessment briefs, records of assessment – is also likely to be relevant. However, that contextual documentation alone is not likely to be sufficient to properly consider these issues. The requirements in the condition are designed to focus on the assessment itself and not on a provider’s assurance systems and process. This is a deliberate shift from the way these issues would have been approached before the OfS existed and is the approach set out in the regulatory framework since 2018. One of the reasons for this shift in approach is that the sector’s assurance processes have not sufficiently engendered public confidence in the credibility of assessment and awards, particularly in relation to the increases in degree classifications seen over time.
8. In practice, if our risk-based approach to monitoring prompts us to undertake investigatory activity in relation to these issues for an individual provider – for example, there may appear to be unexplained increases in degree classifications over time – our assessment team would be likely to want to have access to assessed work for a period of up to five years. This is so it can consider assessment for modules and courses, as well as assessment for individual students that result in awards, over a reasonable timeframe.
9. In relation to the credibility of awards, the OfS may also place weight on evidence that demonstrates that a provider has routinely and robustly satisfied itself that its approach, such as any changes to degree classification algorithms, has not resulted in increased classifications regardless of whether or not the achievement of students has increased. Providers should consider this when considering, or making, changes to algorithms. For example we would expect that before changing an algorithm a provider must be able to provide evidence to demonstrate that the awards it has made to date do not reflect students’ knowledge and skills and are therefore not credible. Providers should be prepared to demonstrate to the OfS that any changes made to algorithms are evidence-based and meet the requirements for ‘credibility’ set out in Condition B4.

## Types of assessed work

1. As set out above, we recognise that it would not be appropriate to retain some types of assessed work and the guidance therefore gives a provider scope to determine what would constitute an appropriate record for retention.
2. To assist providers in making these judgements, the table in **Annex A: Retention of assessed work** categorises types of student work and associated forms of assessment. It sets out the records of assessment we would expect to be retained for each type. This table has been developed through discussions in a working group with sector representatives.
3. In Annex A, the term **‘assessment brief’** means information that explains what the assessment task was and how it was assessed, which may take the form of one document or multiple documents.
4. Annex A does not provide an exhaustive list and is intended to provide a framework for providers to use to think about what records might be appropriate to retain. Where a type of assessment fits into multiple categories, we would expect that documentation would be retained as for each of the relevant categories. For example, where an assessment involves both the creation of a physical artefact and accompanying written work, our expectation would be that documentation would be retained as set out for both the written work and physical artefacts categories.

## Sampling

1. A provider may decide that retaining a sample of assessed work would constitute ‘appropriate records’. Where a provider adopts a sampling approach it should consider what constitutes an appropriate sample such that the OfS could undertake an assessment of the requirements of conditions B4 and B5 if its risk-based monitoring identifies that provider for assessment.
2. Deciding what may constitute an appropriate sample will involve considering the range of courses a provider offers, and the level, mode of delivery, and subject area of those courses. Any sample should be sufficiently large and comprehensive for the provider and the OfS to draw reliable conclusions about the entirety of the provider’s provision. A provider should document the basis and reasoning for its decisions about sample size and selection.
3. We would expect samples of assessed work to be selected appropriately and to contain sufficient information, including to enable the OfS to:
	1. Consider the assessment of modules and courses for the full range of student achievement over time.
	2. Consider the assessed work for an individual student across all years of their course where those assessments contribute to an award, and for the sample of individual students to represent the full range of student achievement.
	3. Be confident that any sample was representative, rather than selected to present the most positive picture.

## Annex A: Retention of assessed work

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| Assessment | What defines the assessment? | Examples of what is submitted or assessed? | What is produced by the assessor? | What should be retained? | How long should it be retained for? |
| Written work or any written elements of assessment(whether produced in a physical or digital format) | Assessment brief | Exams, essays, dissertations, MCQs, posters, content of presentations, fieldwork notebooks, lab reports or write ups, personal journals | Record of assessment: Mark and feedback | Assessment briefAll physical or digital written work. If in a physical form could be digitised | A period of five years after the end date of a course |
| Practical work – laboratory | Assessment brief | Any written work | Record of assessment:Mark and feedbackA photoA video | Assessment briefRecord of assessment of the work along with any written student submission | A period of five years after the end date of a course |
| Physical artefacts | Assessment brief | Sculptures, textiles, fashion and artwork | Record of assessment:Mark and feedbackA photoA video | Assessment briefRecord of assessment | A period of five years after the end date of a course |
| Digital media | Assessment brief | Film, video, podcasts | Record of assessment:Mark and feedback | Assessment briefThe digitally recorded work and record of assessment | A period of five years after the end date of a course |
| Performance | Assessment brief | Dance, drama, music, production | Record of assessment:Mark and feedbackA photoA videoA recording | Assessment briefRecord of assessment | A period of five years after the end date of a course |
| Any type of work that is assessed through observation | Assessment brief | Clinical observationSport (practical)DebatesOSCEVivasMootsPresentations | Record of assessment:Mark and feedbackA photoA videoA recording | Assessment briefRecord of assessment / assessor observations | A period of five years after the end date of a course |
| Continuous assessment, including continuous assessment of industry and work placements  | Assessment brief | Any written or digital media elements | Record of assessment:Mark and feedbackRelevant documentation – e.g. employer reports? | Assessment briefRecord of assessment along with any written or digital media elements | A period of five years after the end date of a course |
| Group work | Assessment brief | Any written or digital media elements | Record of assessmentMark and feedbackRelevant documentation – e.g. peer feedback? | Assessment briefRecord of assessment along with any written or digital media elements | A period of five years after the end date of a course |

1. See [link to conditions]. We did not propose a time frame for keeping assessed work in our consultation on revised conditions of registration. However, consultation responses asked for further information about this and so we provided clarification that assessed work should be retained for a period of five years from the end date of a course. [↑](#footnote-ref-1)
2. Before the OfS published guidance on these issues in May 2022, established guidance and legal expectations were already in place: Jisc retention schedules suggest retention of assessed work for six years, and this aligns with the UK statute of limitations where a claim for a breach of contract may be brought within six years from the date of any breach. [↑](#footnote-ref-2)