

## Chief Executive's Report

### Issue

1. To provide an update on work undertaken and issues that have arisen since the date of the last board meeting on 26 September 2018, to the extent that they are not covered in other board papers.

### Recommendations

2. The board is invited to:
  - a. Note the updates contained in the paper.
  - b. Advise on the definition of antisemitism as set out in paragraph 10.
  - c. Approve the suggested amendment to the terms of reference for the risk and audit committee.
  - d. Note the actions taken under delegated authority at Annex A.
  - e. Approve the proposed changes to the scheme of delegation at Annex C.

### Further information

3. Available from Nicola Dandridge ([nicola.dandridge@officeforstudents.org.uk](mailto:nicola.dandridge@officeforstudents.org.uk)).

## OfS programmes of work

### *Registration*

4. The work being done on registration, reported to the board at its last meeting, continue to be a priority. To date, 225 providers have been registered (though this number will have increased by the time of the board meeting). A significant further number will be completed by the end of December 2018. This leaves outstanding those where applications were either received late or are not straightforward requiring further dialogue with or evidence from the provider. A full account of progress on registration is set out in the report from the PRC included in paper 13.1.
5. As well as dealing with registrations, the OfS is developing a framework for monitoring those providers who are now registered. Many providers who are on the register are subject to conditions or enhanced monitoring, which will require oversight. For some, where the risk of breaching a registration condition is higher, a requirement to develop and then implement an action plan forms part of the registration decision. These providers will require significant oversight and potentially intervention. A paper will be brought to the January board meeting detailing the arrangements for this monitoring and intervention.
6. The process of registering providers, supported by the judgement and expertise of the PRC, is yielding insights not only into individual providers themselves, but also into the challenges that the OfS will be facing in regulating this diversity of providers. Our in-house legal team, headed up by the Head of Legal Paul Huffer, is deeply immersed in the complexities of the regulatory requirements of the Higher Education and Research Act 2017. The pace of decision-making is constrained by the need to understand and respond to these legal complexities, so ensuring that so far as possible our decisions are robust and can withstand challenge.
7. Under the scheme of delegation, the Director for Fair Access and Participation has agreed to a penalty applied to future grant funding to Writtle University College of £250,000 due to a failure to deliver commitments within Access Agreements approved by the Director for Fair Access. The Director of Resources, Finance and Transformation has agreed to the penalty being applied over three years from academic year 2019-20.

### *Other regulatory activities*

8. Another priority has been the development of processes and systems to oversee market exit, the subject of paper 7.1. Full details of that work are set out in that paper and so are not repeated here.
9. OfS staff continue to meet regularly with the DfE, including a recent senior team scenario planning workshop, and with members of the post-18 review and the DfE team, to provide analysis and support where required.
10. On another matter, we were recently contacted by the British Board of Deputies asking whether the OfS would agree to adopt the International Holocaust Remembrance Alliance definition of antisemitism. Their definition is as follows: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical

manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.” Examples of antisemitism are provided by the IHRA, as set out in this [link](#).

11. The IHRA definition itself does not purport to amount to a legal definition. As a regulator, the OfS has to adopt the legal definition of antisemitism set out in the Equality Act 2010. It is therefore proposed that we should adopt the IHRA definition in terms of our policy approach, but in terms of our regulatory responsibilities we apply the Equality Act 2010.
12. If the board agrees with this approach, it is suggested that the following statement be included on our website:

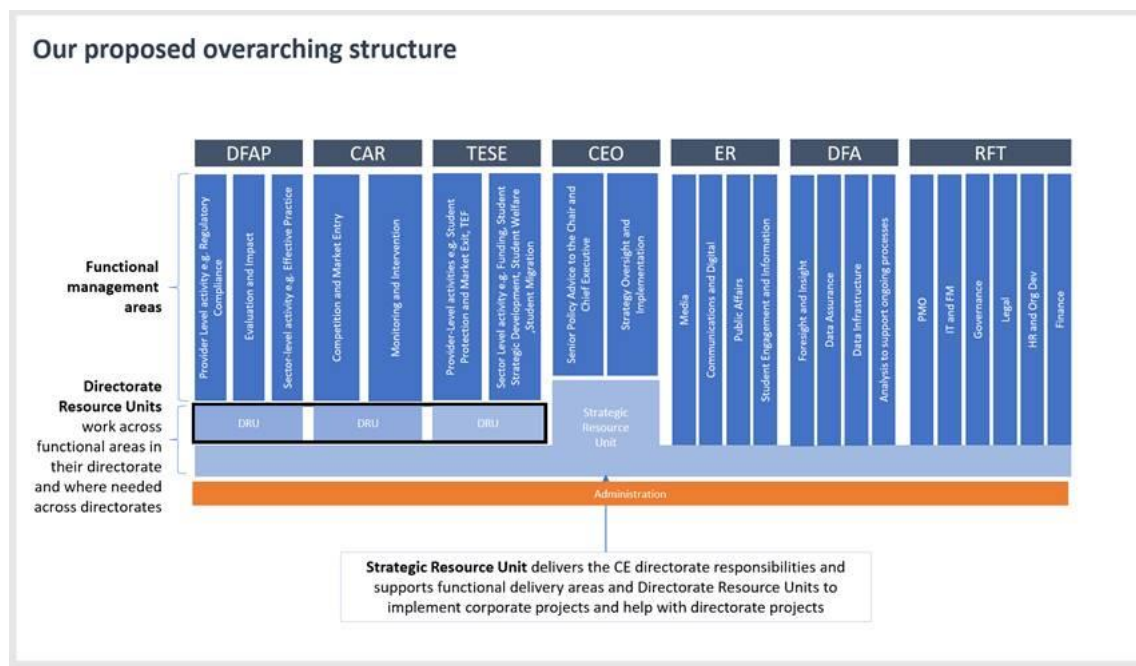
*The Office for Students aims to ensure that all students, whatever their background, have a fulfilling experience of higher education. To support us in our work, we have adopted the IHRA definition of antisemitism as a guide to interpreting and understanding antisemitism.*

*The IHRA definition does not affect the legal definition of racial discrimination, so does not change our approach to implementing our regulatory duties, including our regulatory expectations of registered providers. Nonetheless, we have adopted the IHRA definition because we believe that it is a useful tool for understanding of how antisemitism manifests itself in the 21<sup>st</sup> century.*

Recommendation: The board is invited to advise on the definition of antisemitism as set out in paragraph 10.

## Organisational design and operations

13. The OfS’s organisational restructure is now well-advanced, with some 277 members of staff having been slotted in or been successful in their applications for new OfS jobs (out of a current staff complement of 310). The total staff complement in steady state will be 391. This is a reduction in overall headcount compared to HEFCE and OFFA, who had 384 and 30 staff, a total of 414 overall.
14. The process for internal appointments to vacancies is continuing, with interviews being held over the next three weeks. 16 members of staff are seeking voluntary exits, and we currently have around 25 vacancies for which external recruitment is or shortly will be underway. The aim is to have completed the internal interviews by 21 December 2018, with a view to the new structure coming into effect in January 2019. The position has been complicated however by the need for external recruitment, particularly to fill vacancies in the registration and monitoring teams, which may require staff currently allocated on a temporary basis to those teams to delay their final transfers to their permanent roles. A degree of volatility may therefore continue into the New Year until all the vacancies have been filled externally.
15. The structure broadly follows the directorate arrangements created at the end of 2017. The organisational chart is below.



16. A new Head of HR and Organisational Design, Rachel Attwood, will be joining the OfS on 7 January 2019.
17. Over the course of the summer, a significant programme of staff engagement was rolled out, in both the Bristol and London offices, giving the opportunity for all staff to feed into the development of the OfS's values and behaviours. This work drew on the initial discussions and meetings that board members had back in 2017. The outcomes have now been analysed, and the directors met last week to review the results and oversee the development of the final set of values. The proposed values will be launched at an OfS all staff conference in February 2019. An action plan to embed the values is now being developed and will be taken forward throughout 2019. The draft values will be shared with board members at the board meeting, and members are invited to contribute their views as to how they would like to see the values implemented and taken forward – both by the executive team and if appropriate by the board as well.
18. In October the OfS was awarded the 'Cyber Essentials Plus' accreditation, which is a government accreditation scheme. HEFCE previously had the Cyber Essentials basic accreditation. The accreditation was based on an assessment of perimeter networks, desktops and mobile devices. It provides re-assurance that we are achieving some of the expected standards regarding cyber security. In addition to this our internal auditors (EY) will be undertaking a more detailed review of our cyber security arrangements in January with the results to be reported to the risk & audit committee in the New Year.
19. In October DfE confirmed the final tranche of funding for our Digital, Data and Technology (DDaT) programme which has been a multi-year project starting in January 2017. The purpose of the programme is to deliver enterprise-wide solutions which provide the OfS with a flexible, scalable, reliable and robust technology and data platform which will enable the organisation to become the trusted and respected independent regulator. Key delivery focuses of the programme are:

- a. A new OfS corporate website and OfS Intranet branded for OfS.
  - b. A new OfS Register, built for the new OfS Registration and Regulatory processes.
  - c. A Customer Relationship Management (CRM) system to focus all interactions with providers and other stakeholders, to manage the regulatory processes, and to deliver the OfS Register.
  - d. A new secure Provider Portal to provide the Digital channel for Providers to interact with OfS processes.
  - e. Secure Collaboration and Productivity tools both internally to support staff in their new OfS roles and externally to improve and enhance collaboration with external stakeholders.
  - f. Evolution of the Data Management strategy, capabilities and technologies to support the OfS Regulatory role and business processes.
20. A number of the above have been delivered (e.g. website and intranet) with all other areas in train. The focus of the final phase is ensure that the CRM and provider portal are being used for all key regulatory processes and workflows. The DDaT programme is being supported by an external delivery partner (Cadence Innova) and is expected to run until September 2019.
21. The risk and audit committee continues to oversee the development of the OfS's approach to risk management, under the guidance of the new head of governance (Ben Whitestone). The committee will be discussing the initial draft of strategic and corporate risks at its meeting on 13 December 2018, with a discussion planned with the board in January. The draft strategic risks are broad, long term risks, directly related to delivery of strategy and where we would expect regular oversight at board level. These strategic risks aim to give clearer visibility as to the main risks we face and will also allow identification and alignment of all underpinning corporate risks to these strategic risk areas. In addition to this we have developed an OfS Risk Policy which provides clarity around the risk management approach. The approach set out in the policy is based on Government and wider industry best practice but also aims to be practical and action oriented, with steps to make risk management a tool for effective delivery of our objectives.
22. As part of the OfS's business continuity planning, a role-playing scenario (a serious data leak) was facilitated by external consultants in November involving the directors, to test the OfS's resilience to disaster management. This was a useful exercise to test our readiness for dealing with a crisis. We intend to run similar exercises on an annual basis to ensure our continuity plans remain fit for purpose.
23. The directors met on 6 November 2018 for the second quarterly review of our strategy and business plan, looking back at Q2 2018. The purpose of these reviews is to step back and assess our performance as an organisation, examining whether we are on track to meet our objectives, and to plan ahead to correct any areas where we are falling behind our ambition. The discussion focused on the highest priority issues. The group agreed that progress has been made, but there are substantial risks to delivery that are likely to emerge in the New Year, mostly resulting from resourcing issues. The group agreed to a series of actions to reprioritise resource on the most critical priorities. It was also noted that until the PMO's reporting process is fully operational, and better performance measurement is established across the organisation, the directors will only have a partial picture of progress towards our goals.

24. The quarterly review of the business plan also provided an opportunity to review the mission critical activities identified by the board at its meeting in May, to ensure they are still appropriate. The Directors agreed to revise these and they are set out below:

<b>May 2018</b>	<b>December 2018</b>
Permanent organisational structure of the OfS designed and implemented	"Design and implement the staffing structure by autumn 2018"
Complete Transformation programme	<p>"Regulate current providers during transition period</p> <ul style="list-style-type: none"> <li>- Publish Regulatory Notices and associated documents to set out how different providers will be regulated during the transition period</li> <li>- Sign MoUs with partner organisations to cover transition period"</li> </ul> <p>"Prepare for full implementation of regulatory framework ensuring that a provider's context is recognised in decision-making; take action where necessary to maintain both high quality and competition</p> <ul style="list-style-type: none"> <li>- Develop approach to monitoring and risk assessment</li> <li>- Construct and test lead indicators</li> <li>- Develop and implement operational system (to include IT components) to deliver effective regulation</li> <li>- Develop and implement measures to continually review and improve operational delivery of regulation for providers"</li> </ul> <p>"Establish new DAPs and UT system ensuring that risk appetite and decision-making promote both high quality and competition</p> <ul style="list-style-type: none"> <li>- Design and implement new approaches to DAPs and UT by September 2018</li> <li>- Work with Provider Risk Committee to ensure that the new DAPs arrangements are effective in removing barriers to competition</li> <li>- Agree and implement DQB proposals for new approach to DAPs</li> <li>- Develop and implement measures to continually review and improve operational delivery of the DAPs system for providers"</li> </ul>

<p>Launch of the register and registration decisions for all existing providers that wish to apply</p>	<p>"Complete registration of current and new providers ensuring that risk appetite and decision-making promote both high quality and competition</p> <ul style="list-style-type: none"> <li>- Design and implement registration system for current providers and new providers</li> <li>- Establish and work with Provider Risk Committee to ensure that agreed risk appetite is delivered in practice</li> <li>- Use agreed operational capability measures to continually review and improve operational delivery of registration for providers"</li> </ul>
<p>Reform access and participation plans</p>	<p>"Develop a new, outcomes-focused approach to access and participation plans and statements by November 18, and implement this approach through new guidance by Feb 19</p> <ul style="list-style-type: none"> <li>- Set targets for the OfS and the sector on access and participation by November</li> <li>- Evaluate the return on investment on access and participation investments and OfS evaluation and impact work"</li> </ul>
<p>Launch of the OfS Information, Advice, and Guidance levers</p>	<p>"Develop strategy and processes related to student protection cases and market exit scenarios, including management of individual by autumn 2018</p> <ul style="list-style-type: none"> <li>- Develop engagement strategy that is proactive and proportionate to student protection risks identified during registration</li> <li>- Develop approach to case management of providers that need to enact their student protection plan</li> <li>- Design process for managing cases of market exit"</li> </ul>
<p>Define approach to improving student wellbeing across the sector</p>	<p>"Implement PREVENT duty and responsibilities"</p>

25. These revised activities will be captured in our monthly reporting to the Directors' Group through the Portfolio Management Office and will be reviewed at the next quarterly review of the Business Plan in the new year.

### External engagement and communications

26. There continues to be significant interest in the work of the OfS, and good coverage has been secured on a number of issues since the board last met. Ahead of his speech at Workfest on 6 November 2018, OfS chair Sir Michael Barber appeared on the Today

Programme and wrote for The Telegraph to explain that the OfS would not bail-out a failing provider. These views, and his comments made around freedom of speech at the same conference, were extensively covered in print and online. A detailed statement to the BBC was provided regarding a story about the university to whom a loan was provided by the OfS using powers inherited from HEFCE. The particular circumstances of the loan were explained, and it was made explicit that the OfS would not make a loan to this or any other registered provider to enable them to meet regulatory requirements. There was some follow-up in the press, including a Financial Times editorial which supported the OfS's position on bail-outs, and recognised our responsibility to protect students.

27. On social media, the OfS now has 7,500 Twitter followers, gaining on average 400 followers a month. Since the website was launched, over 1.5 million pages have been viewed, with around 200,000 page views a month.
28. Aside from financial stability, the OfS has provided comment on issues including student mental health, the Education Select Committee's value for money report, and the development of the TEF.
29. Since the date of the last board meeting on 26 September 2018, in October I addressed the 2018 international FCO Chevening scholars about the work of the OfS, presented to the All Party Parliamentary Group on students on mental health, spoke at a CUC plenary, attended the BEIS/DfE High Level Brexit Group meeting chaired by the Minister, and met with the chief executive of the Education and Skills Funding Agency. In November I visited Coventry University student union and the University of Warwick, and addressed the Mixed Economy Group (FE Colleges), the annual conferences of GuildHE in Dundee, and Independent HE and the Association of University Administrators in London.
30. In addition to his speech at Wonkfest, Sir Michael has met with students at Sheffield Hallam University, the University of Sheffield and the University of Cambridge, as well as visiting the universities of Liverpool and Exeter.
31. A sample of press cuttings can be reviewed at Annex B.

### **Amendments to the risk and audit committee terms of reference**

32. The board's approval is sought to amendments to the terms of reference of the risk and audit committee (RAC).
33. Under the 'Membership' section, the terms of reference currently read:

*The RAC will consist of:*

  - *No less than three non-executive members of the OfS board (including the RAC chair)*
  - *Up to three independent members*
34. It is proposed that a minor amendment be made as follows:

*The RAC will consist of:*

  - *Up to three non-executive members of the OfS board (including the RAC chair)*
  - *Up to three independent members*



35. This change will bring the terms of reference for the RAC in line with those of the provider risk and quality assurance committees. It will also enable the committee to continue to carry out its business should any of its non-executive members leave the board and not be replaced immediately.

Recommendation: The board is invited to approve the suggested amendment to the terms of reference for the risk and audit committee.

### **Amendment to our scheme of delegation**

36. As our regulatory work develops, there is a need to include within our scheme of delegation the functions that the OfS Head of Legal may carry out under delegated authority. The proposed changes to the scheme of delegation would also permit an employee or contractor of the OfS with appropriate legal qualifications, acting under the supervision and direction of the Head of Legal, to support the Head of Legal in carrying out the delegated functions.
37. Members will recall that they were invited in October 2018 to:
- a. Delegate the decision to issue a general direction on the way the DQB develops and implements its new charging model for providers to the chief executive and the chair of the quality assessment committee (QAC); and
  - b. Delegate decisions to the chief executive and the chair of QAC, following consultation with the DQB, on the content and publication of such a direction.
38. We wish to propose an amendment to the scheme of delegation which will allow the chair of QAC, following consultation with the OfS chief executive, to take decisions on the board's behalf in relation to general directions about the performance of any of the assessment functions (under schedule 4 paragraph 10 of HERA), and formal requests for the DQB to provide information to the OfS under section 27(4) of HERA.
39. Proposed text for insertion in the current scheme of delegation is within Annex C. We seek the board's agreement to these amendments to the scheme of delegation.

Recommendation: The board is invited to approve the proposed changes to the scheme of delegation at Annex C.

### **Guidance on visits**

40. Following the board's request for guidance on visiting providers, please see draft guidance in Annex D.

### **Future board business**

41. A forward look agenda is included in Annex E.

## Annex A - Report on use of delegated decision making

1 September to 23 November 2018

### Grant adjustments

1. Under the scheme of delegation, the board delegates to the chief executive the ability to make changes to individual funding allocations, virements between budgets and decisions on the recovery of grant.
2. On 3 October 2018, the chief executive agreed:
  - a. Changes to 2018-19 grant arising from data amendments for the University of Essex, the University of Reading, the University of Worcester and Shrewsbury Colleges Group.
  - b. Changes to grant arising from the reconciliation of 2015-16 student data for Aston University.
  - c. Changes to 2018-19 teaching funding arising from the transfer of undergraduate and postgraduate student numbers from Bournemouth University to AECC University College.
  - d. The transfer of funding for 2018-19 from Hartpury College to Hartpury University, following the creation and designation of Hartpury University as a higher education corporation to deliver all higher education provision formerly delivered by Hartpury College.
  - e. To cease funding Cirencester College which has confirmed it does not have any recognised higher education courses in 2018-19.
3. Details of the funding changes agreed on 3 October are set out in the Annex A below. The net change of -£720,853 releases funding that is available for redistribution to support other priorities. The revised 2018-19 recurrent and formula capital grants for all providers were published on 24 October 2018<sup>1</sup>.
4. On 9 November 2018, the chief executive agreed that grant payments to Heythrop College should end after November 2018. The College will cease after its governors' meeting in January 2019 and we are ending grant payments as there are now no longer students studying at the College. The 2018-19 recurrent teaching grant on a full academic year basis was previously announced as £19,912. Of this, £8,309 has been paid by November 2018. The College did not have a capital grant allocation.
5. On 16 November 2018, the chief executive agreed to cease funding Runshaw College. The College confirmed that it will not have any OfS-fundable students in 2018-19 (it continues to offer higher education under a subcontractual arrangement from another provider).

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<sup>1</sup> The revised allocations are in an updated Annex A to 'Recurrent and formula capital funding for 2018-19', OfS 2018.20, available at: [www.officeforstudents.org.uk/publications/recurrent-and-formula-capital-funding-for-2018-19/](http://www.officeforstudents.org.uk/publications/recurrent-and-formula-capital-funding-for-2018-19/)

## Data amendments

6. Under the scheme of delegation, the board delegates to the chief executive the authority to take decisions necessary to manage and implement the TEF such as decisions about: eligibility; the use of data and data amendments. On 14 November 2018, the data amendments panel<sup>2</sup> met and made a number of recommendations relating to the use of data for TEF purposes.
7. On 15 November 2018, the chief executive agreed these recommendations as follows:
  - a. To reject the request to suppress the 2014-15 destinations of leavers from higher education (DLHE) data from TEF Year 4 from the University of Salford.
  - b. To approve the request for OfS to amend our algorithms relating to how undergraduate medical students, who intercalate into a postgraduate programme in the year before their final undergraduate year, are identified in our HESA derived fields, to ensure such students can be correctly identified for TEF purposes.
  - c. To approve thirteen other data amendments (affecting twelve providers) considered material for TEF purposes (details available on request).
8. Additionally, on 22 November 2018, the chief executive agreed the remaining recommendations from the data amendments panel regarding uses of data for other purposes (such as funding, public information or regulation), as follows:
  - a. To approve the 10 data amendments considered to meet all the criteria.
  - b. To reject the 9 data amendments considered to not meet all the criteria.
9. Further details of the amendments involved are available on request.

## Access Agreement Breach - Proposed Regulatory Enforcement Action

10. Exempt from publication

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<sup>2</sup> See: [www.officeforstudents.org.uk/data-and-analysis/amendments-to-data/data-amendments-process/](http://www.officeforstudents.org.uk/data-and-analysis/amendments-to-data/data-amendments-process/)

**Annex A: changes to grant to be implemented from November 2018 (£s)**

	Recurrent teaching funding change			Formula capital funding change 2018-19	Total provider change
	2016-17	2017-18	2018-19		
<b>Adjustments arising from data amendment</b>					
University of Essex	-	-	-156,588	-13,243	-169,831
University of Reading	-	-	-55,486	-4,419	-59,905
University of Worcester	-	-	190,271	7,973	198,244
Shrewsbury Colleges Group	-	-	10,755	0	10,755
<b>Adjustments arising from reconciliation</b>					
Aston University	-688,951	-4,300	-	-	-693,251
<b>Adjustments arising from provider transfer</b>					
AECC University College	-	-	35,810	2,791	38,601
Bournemouth University	-	-	-37,507	-2,810	-40,317
<b>Miscellaneous adjustments to funding</b>					
Cirencester College	-	-	-5,149	-	-5,149
Hartpury College	-	-	-1,275,594	-121,569	-1,397,163
Hartpury University	-	-	1,275,594	121,569	1,397,163
<b>Overall total</b>	<b>-688,951</b>	<b>-4,300</b>	<b>-17,894</b>	<b>-9,708</b>	<b>-720,853</b>

## Annex C - Proposed change to scheme of delegation

### Delegated authority for OfS legal function

18. The Head of Legal has delegated authority to:
- a. in accordance with any general or specific strategic direction which may be provided by the board, chief executive or relevant director, defend any form of legal claim, application or challenge brought against the OfS (including where the OfS is named as a respondent or party to proceedings)
  - b. with the agreement of, and in accordance with any general or specific strategic direction which may be provided by, the board, chair, deputy chair or chief executive:
    - i. bring, manage and conduct any form of legal claim or appeal on behalf of the OfS
    - ii. make an application for, and if granted exercise, a search warrant under section 61 of HERA 2017 on behalf of the OfS
    - iii. make any other form of legal application on behalf of the OfS, including but not limited to an application for a declaration, injunction, disclosure and award of costs.
  - c. in accordance with any guidance provided by the chief executive or supervising director on procurement and ensuring value for money, to procure and instruct external lawyers of any description or other specialist or professional support for the purposes of, or in connection with, the provision of legal representation, advice and/or support for any of the OfS's functions and/or any form of legal proceedings or application as described in 18. a. or b.
  - d. to disclose information externally in accordance with section 63 of HERA 2017 for any purposes connected with a. to c. and to e.
  - e. to do anything which is calculated to facilitate, or is conducive or incident to paragraph 18. a. to d.
19. Acting under the supervision and direction of the Head of Legal, an employee or contractor of the OfS with the appropriate legal qualifications and experience has delegated authority to:
- a. assist the Head of Legal Services with any matters set out or described in 18 a. and b.
  - b. in accordance with a procurement decision of the Head of Legal, instruct external lawyers of any description or other specialist support for the purposes of, or in connection with, the provision of legal representation, advice and/or support for any of the OfS's functions and/or any form of legal proceedings or application as described in 18. a. or b.
  - c. to disclose information externally in accordance with section 63 of HERA 2017 for any purposes connected with a. b. and d.
  - d. to do anything which is calculated to facilitate, or is conducive or incident to 18. a. to c.
20. For the purposes of this delegation:

"Head of Legal" means, irrespective of a person's job title from time to time, the lawyer employed by the OfS, at the grade of pay band 12 or above, with the principal role of leading the provision of legal services;

"relevant director" means the employee or member of the OfS whose normal areas of responsibility cover the functions or matters in question; and

"supervising director" means the employee or member of the OfS the Head of Legal normally reports to.

## **Assessing the quality of, and standards applied to higher education**

Section 23 of HERA makes provision for the OfS to assess, or make arrangements for the assessment of, the quality of, and the standards applied to, higher education provided by English higher education providers.

The board has established a Quality Assessment Committee as required by Section 24 of HERA. The board must approve the committee's terms of reference, which must comply with Section 23 of HERA including giving advice to the board and chief executive on the exercise of the OfS's quality functions by the Designated Quality Body (DQB).

NEW: A delegation is made to the chair of QAC, following consultation with the OfS chief executive, to take decisions on the board's behalf in relation to general directions about the performance of any of the assessment functions (under schedule 4 paragraph 10 of HERA), and formal requests for the DQB to provide information to the OfS under section 27(4) of HERA.

Any *other* decisions relating to the approach to be taken by the DQB are delegated to the chief executive.

## **Annex D: Guidance for OfS board and committee members on visiting providers or attending HE sector events**

Members have asked for guidance on visiting providers or attending HE-sector events. This advice supplements that given in the OfS board proceedings and code of conduct and it is intended that it will be incorporated into the code.

We recognise that members have different professional backgrounds and varied levels of connection with HE providers. Therefore, it is difficult to give consistent advice that works for everyone in all circumstances, and the application of common sense in each case is important!

Members with less experience of higher education may wish to visit different kinds of higher education providers to better understand the scale and operations of a range of providers. For such visits, where the purpose is to learn about different kinds of providers, we propose that the OfS should organise this kind of event – ideally for a group of members at the same time.

Other members may have more extensive links with the sector because of their other employment or non-executive director roles, or in some cases they will be employed by a provider. These members are likely to attend specific events to which they have been independently invited but which may touch upon the functions of the OfS.

Set out below are some guidelines for visits to providers and other external events for use in these circumstances.

### **Considering whether to accept invitations**

#### *Provider visits*

If an invitation is issued to a board or committee member by an individual higher education provider to attend in an OfS capacity, members should exercise caution in accepting the invitation, seeking advice from Paula McLeod (paula.mcleod@officeforstudents.org.uk 0117 931 7345) in the board secretariat within the OfS Governance Team, to ascertain whether there may be an impending regulatory decision or any other reason not to visit a provider. Members should always seek advice if they have any concerns about the propriety of acceptance.

Where a member is invited to a visit to a provider in an OfS capacity, they should avoid functions which are for wholly for social purposes.

#### *Sector meeting or events*

If attending a meeting or event in an OfS capacity, or attending a sector event which may touch upon the functions of OfS, members should exercise caution in accepting invitations.

In accepting hospitality, members should not allow themselves to reach a position where they might be seen by others to have been influenced in making a regulatory or business decisions because of accepting such hospitality. The OfS's [guidance on gifts and hospitality](#) provides detailed advice on such matters.

Before agreeing to speak at external events in an OfS capacity please speak to Paula McLeod (paula.mcleod@officeforstudents.org.uk 0117 931 7345) and she will liaise with colleagues in our External Relations team. It is not uncommon for event organisers to approach more than one

person from the OfS and we need to consider who is best placed to represent the organisation on public platforms and what messages are most strategic to communicate at different times.

We recognise that you may be invited to speak at or attend an event in a non-OfS capacity. If you think there is a possibility that an OfS matter may come up, then we would ask you to contact us in advance, so we can provide you with any information or briefing that may be relevant or monitor any related social media activity.

### **During a visit to a provider or a sector event where you are representing the OfS in some capacity**

Exercise judgement. You are likely to see many interesting things during a visit and there is no expectation that you need to be neutral on these matters, but be cautious about endorsing a provider's strategic direction or a provider's decisions that could be considered through a regulatory lens.

Board members should speak with one voice in public on matters to do with the OfS. Follow the OfS 'lines to take' (provided quarterly to board members by the External Relations Team) on key policy areas.

Do not share sensitive or commercial information. If in doubt, err on the side of caution.

### **Social media**

Follow OfS advice to board and committee members on use of social media within the OfS board proceedings and code of conduct. Key points are that:

- Members should be clear when they are speaking in a purely personal capacity or representing an organisation other than the OfS.
- Members should have regard to the need for impartiality in regulating providers across the sector.

### **Media and other approaches to OfS board and committee members**

If you are approached by journalists for comment or to write an op-ed or blog in your role as OfS board or committee member, or which touches upon any aspect of OfS functions, please refer the query directly to Sean Beynon, our Head of Media (sean.beynon@officeforstudents.org.uk 0117 931 7022). We do not generally expect non-executive board members other than the chair to speak to the media on our behalf.

If you have any other queries, then please speak to Paula McLeod.



## **Annex E – Future board business**

### **January 2019**

People related issues

Student contracts

OfS regulatory intervention and enforcement

DAPs – including delegations

What is the purpose of T funding for OfS

PSED data

CEO report

Q3 Finance report

Report from Risk and Audit Committee

Report from Provider Risk Committee

### **March 2019**

Learning gain

Budgets for 2019-20

Update on IAG

Report on the business plan and KPMs

CEO report

### **May 2019**

Validation arrangements

Q4 Finance report

OfS accounts 2018-19

Revised student engagement strategy

CEO report

Report from Risk and Audit Committee

Annual reports to the board from the Risk and Audit, Quality Assurance and Provider Risk Committees