



Approved minutes of the OfS board meeting – 12 December 2023

Location: Teams

Timings: 1330 – 1700

Present members: James Wharton (Chair)
Arif Ahmed (Director for Freedom of Speech and Academic Freedom)
John Blake (Director for Fair Access and Participation)
Martin Coleman
Elizabeth Fagan
Katja Hall
Verity Hancock
Rachel Houchen
Susan Lapworth (Chief Executive)
Simon Levine
Martyn Oliver
Dayo Olukoshi
David Palfreyman
Michael Spence
Caleb Stevens

Apologies: Patrick Curry, Director, HE Quality and Regulation, Department for Education
Sophie McIvor, Head of Communications
Nolan Smith, Director of Resources and Finance

Officers: Jean Arnold, Deputy Director of Quality
Jamie Black, Head of Higher Education Market (items 6 and 15)
Josh Fleming, Director of Strategy and Delivery
Paul Huffer, Head of Legal
Katherine Jacob, Corporate Governance Senior Officer (clerk)
Meg Matthews, Head of Development and Effectiveness
Tom Mcilwaine, Chief of Staff
Philippa Pickford, Director of Regulation
Rowena Rowley Head of Provider Governance (item 14)
David Smy, Deputy Director Enabling Regulation
Mike Spooner, Senior Adviser to the CEO and Chair

Item 1 - Chair's welcome

1. The chair welcomed board members and OfS staff.

2. The chair updated the board that DfE's recruitment of new board members is underway, with interviews taking place this week.
3. The chair informed the board that he had recently visited the University of Essex.
4. The board noted its general duties as set out on the agenda and the need to have regard to these and other relevant considerations as it considered papers and made decisions.

Item 2 – Approval of minutes of the last meeting

5. The minutes of the board meeting held on 28 September 2023 were approved.

Item 3 – Chief executive's report

6. The chief executive presented a report which provided an update on work undertaken and issues that have arisen since the last board meeting.
7. The following points were highlighted:
 - a. Work on quality and equality of opportunity. Four further quality assessment reports have been published since the last board meeting. Detailed information about the 2023 Teaching Excellence Framework (TEF) exercise has recently been published and the majority of the pending TEF results will be published on 18 December. In relation to equality of opportunity, wave 1 of access and participation plans has been completed, and there has been good engagement with the providers that took part.
 - b. Exempt from publication.
 - c. Exempt from publication.
 - d. Exempt from publication.
8. Exempt from publication.

Item 4 – OfS Public Bodies Review

9. The process and draft terms of reference for the OfS Public Bodies Review were shared with the board. It is expected that DfE will publish the information on 14 December.
10. It was noted that the independent reviewer was expected to speak to board members as part of the review.

Item 5 – Developing the next OfS strategy

11. The board received a paper setting out plans for its involvement in the development of the next OfS strategy. It was confirmed that there would be further opportunities for the board to comment on the plans for the development of the strategy.

12. The following suggestions were made:

- a. Discussions should remain broad in the early stages. The process should start by stepping back and reflecting on where the OfS currently stands and then agreeing a vision for the next strategy.
- b. There should be sufficient time to discuss the implementation of the new freedom of speech functions, and the relationship of work in this area with other priorities. It was confirmed that further discussion with the board on freedom of speech issues was planned, and that the board would play an active role in developing policy in this area.
- c. The strategy must be firmly grounded in the OfS's functions, and retain sufficient flexibility to adapt to changes in the operating environment.

Item 6 – Exempt from publication

13. Exempt from publication.

14. Exempt from publication.

15. Exempt from publication.

16. Exempt from publication.

17. Exempt from publication.

18. Exempt from publication.

Item 7 – Risk report

19. Exempt from publication.

20. Exempt from publication.

21. Exempt from publication.

22. Exempt from publication.

Item 8 – Finance report

23. The board received a report on the financial position of the OfS at the end of period 7 (31 October 2023).

Item 9 – Report from the student panel

24. The report was presented by the chair of the student panel. He summarised the recent meeting of the student panel, which included:

- a. A discussion on the report of the House of Lords Industry and Regulators committee. The chair of the panel reported that the panel supports the perspective of the OfS on the report. Members agree with the recommendation that the panel needs to be further diversified, and

understanding its remit and the context within which it operates continues to be important. A useful discussion about plans to reform the panel was held, including how the panel can have more input into the work of the OfS and how this can be better evidenced.

- b. A horizon scanning session to inform the development of the next OfS strategy. The panel appreciated being actively involved in strategy development at an early stage.
- c. Reflections on the TEF 2023 process, including how further engagement of students could be achieved in the future.

25. The chair of the board acknowledged that significant effort has gone into reshaping the role of the student panel, and that feedback from the panel has been very useful to the board. On behalf of the board, the chair thanked the panel for its work.

26. The board received the report from the student panel.

Item 10 – Report from the Quality Assessment Committee

27. The report was presented by the chair of the committee. The board had received a written report summarising the September 2023 meeting, and so a verbal report of the meeting on 11 December was given, which included:

- a. A report on the delivery of quality assessments. The committee was pleased to hear these are being positively received by providers, and discussed how this feedback could be communicated.
- b. An update on the approach to degree awarding powers cases, including information about managing conflicts of interest. The committee will receive training on its new area of responsibility in February 2024.
- c. An update on TEF 2023.

28. The board received the report from the Quality Assessment Committee.

Item 11 – Report from the Provider Risk Committee

29. The report was presented by the chair of the committee. He reported that the committee had discussed:

- a. The approach to the 2024-25 intervention strategy and issues related to the prioritisation of resources for this work.

30. The main business of the committee meeting was discussed by the board in the restricted item at the end of this meeting.

31. The board received the report from the Provider Risk Committee.

Item 12 – Report from the Risk and Audit Committee

32. Exempt from publication.

33. It was confirmed that there are no direct financial risks related to the delayed delivery of the Data Futures programme by Jisc, since the OfS no longer funds the programme.
34. The board received the report from the Risk and Audit Committee.

Item 13 – Report from the Remuneration and Nominations Committee

35. The report was presented by the chair of the committee. She reported that the recent meeting of the committee had focused on:
- a. The launch of the People strategy, which has been well-received by staff.
 - b. The mid year performance assessments of the directors and chief executive.
36. The board received the report from the Remuneration and Nominations Committee.

Item 14 – Exempt from publication

37. Exempt from publication.
38. Exempt from publication.
39. Exempt from publication.
40. Exempt from publication.
41. Exempt from publication.
42. Exempt from publication.

Closing remarks

43. The chair thanked members and staff for their contributions to the meeting.
44. This was the last board meeting of Sir Martyn Oliver, who is stepping down to avoid a conflict of interest as he starts his new role as His Majesty's Chief Inspector at Ofsted in January 2024. Martyn was thanked for his contributions to the board.
45. This was the last board meeting of David Palfreyman. David was thanked for his long involvement with the OfS and with HEFCE before that. His expertise both at and outside board meetings has been invaluable.
46. The board was reminded of arrangements for the next meeting, which will be in person in London. There will be a planning event on the afternoon of 7 February and the morning of 8 February, followed by a board meeting on the afternoon of 8 February.
47. Verity Hancock, Martyn Oliver, David Palfreyman and Michael Spence left the meeting due to conflicts of interest in relation to the following restricted item.