



## **Draft minutes of the OfS Board meeting, 26 September 2019**

**Location: Cadbury House Hotel, Bristol**

**Timings: 13.00-15.30**

- Present members:
- Sir Michael Barber (chair)
  - Martin Coleman (deputy chair)
  - Nicola Dandridge (chief executive)
  - Gurpreet Dehal
  - Elizabeth Fagan
  - Katja Hall (joined by telephone)
  - Verity Hancock
  - Kathryn King
  - Kate Lander
  - Simon Levine
  - Martha Longdon
  - Chris Millward (Director for Fair Access and Participation)
  - David Palfreyman
  - Monisha Shah
  - Steve West
- Attendees:
- Ian Coates, Department for Education representative
- Apologies:
- None
- Officers:
- Ed Davison
  - Josh Fleming
  - Yvonne Hawkins, Director of Teaching Excellence and Student Experience
  - Paul Huffer, Head of Legal
  - Susan Lapworth, Director of Competition and Registration
  - Paula McLeod, Corporate Governance Senior Adviser (clerk)
  - Richard Puttock, Director of Data, Foresight and Analysis
  - Conor Ryan, Director of External Relations
  - Nolan Smith, Director of Resources, Finance and Transformation

## Chair's welcome

1. The chair welcomed Ian Coates from the DfE and Katja Hall who was joining the meeting by telephone.
2. The board noted its general duties as set out on the agenda and the need to have regard to these as it considered papers and made decisions.

## Approval of July minutes (paper 2.1)

3. The minutes of the meeting held on 3 July 2019 were approved.

## Chief Executive's report (paper 3.1)

4. The chief executive presented her paper which provided an update on work undertaken and issues that have arisen since the date of the last board meeting on 3 July 2019. The following issues were highlighted:
  - a. Exempt from publication.
  - b. Colleagues in the Teaching Excellence and Student Experience directorate have been overseeing work arising from the administration of GSM London Ltd. The work that has been undertaken and feedback received from students is being used to inform the OfS's work on market exit and student protection.
  - c. Although the OfS has no statutory duty on climate change placed on it as part of HERA, it will be working with BEIS to clarify its responsibility in respect of public sector climate emissions responsibilities, and what requirements it may need to place on providers.
  - d. The OfS has a daily press cuttings email. Board members should contact the chief executive if they wish to receive these.
5. The following points were made in discussion:
  - a. In noting the number of post-registration mitigations applied to providers as part of the registration process, the chief executive and Director of Competition and Registration suggested that in some part this reflected the fact that providers had not yet adjusted to the requirements of the new regulatory system. It was noted that a substantial number of mitigations related to the OfS's judgement that there was an increased risk of a future breach of condition A1 (access and participation plan) and it was anticipated that the number of providers with mitigations may reduce as the approval of access and participation plans moved to a 5-year period for most providers.
  - b. The OfS will shortly be publishing additional regulatory guidance notes setting out its expectations of registered providers in relation to their obligations under the regulatory framework. This information will also be circulated to the board for information.
  - c. There will be separate publications on the outcomes of the registration process and on access and participation plans. The former would include some emerging findings on providers' management and governance arrangements. These publications will be sent to heads of providers and will also be shared with the board.
6. The board noted the updates contained in the report.

## Development of the OfS's approach to funding (paper 4.1)

7. The Director of Teaching Excellence and Student Experience introduced the paper proposing a new approach to funding for providers from academic year 2021-22. As part of this she was also seeking board agreement to an approach to support for world-leading specialist providers potentially from academic year 2020-21. In setting out the context of the discussion she advised that:
  - a. There has been no formal government response to the Post-18 review of education.
  - b. There is no certainty about future OfS teaching funding.
  - c. OfS funding should be used to support our strategic objectives and this can apply when our regulatory tools are weak and/or as an additional intervention where they are strong.
8. The Director advised that the proposed framework for approaching recurrent funding is based around three themes:
  - a. Courses – what is taught. The proposed approach sought to strategically support the quality of provision, the choice and experience available to students and the wider economic and social benefit of higher education. Funding would be formulaic with the possibility of competitions to galvanise change (for example to support more flexible provision). Understanding costs within this theme would be important as would driving value.
  - b. Students – who is taught. Investment should be focussed on where it can most effectively reduce gaps in equality of opportunity in access, success and progression. The intent would be to build an explicit link between this funding theme and the commitments providers set out in their access and participation plans.
  - c. Providers – reflecting exceptionally where teaching takes place. Investment would protect and promote world leading provision through a clear and rigorous process in the context of a different regulatory environment.
9. Exempt from publication.
10. Exempt from publication.

## Presentation on the next stage of the information, advice and guidance strategy

11. The Director of External Relations gave a presentation on the next stage of the OfS's strategy on its information, advice and guidance (IAG) to students. He advised that:
  - a. The approach of the strategy is to inform student choice and to fill gaps rather than duplicate information that is already available.
  - b. The new website, Discover Uni, has been produced following extensive research and is intended to be an authoritative resource for a diverse range of students across the UK. The intention is to present data in a way that is straightforward and with a conversational tone. In response to the research outcomes, the look of the site has been kept simple and uncluttered. It will include videos from students as well as links to good content on other partner websites.
  - c. The starting point in designing the website was for use on a smartphone and other platforms built up from there.
  - d. Discover Uni will be launched on a .gov.uk domain soon. This will be accompanied by a social media campaign and continued promotion with the OfS's key stakeholders, including the Careers and Enterprise Company and the National Collaborative Outreach Programmes to promote the site to its target audience.
  - e. The aim is to build the audience significantly over that for Unistats and to gather evidence from a variety of sources to check that the site is reaching the right audience. This and other evaluation activity will inform the development of the site.

A new IAG advisory group is supporting a collaborative approach to supportive IAG activity.

- f. Plans are underway to develop a postgraduate taught survey to help understand what is important to these students about their courses.

12. The following points were raised in discussion:

- a. It would be desirable to see OfS branding more prominently displayed on the website to increase awareness of the organisation amongst students but it was acknowledged this would be difficult as the site is jointly funded with the other UK nations. However, the OfS does take the lead role in dealing with partners and has a significant role in determining the editorial content on the site.
- b. Members raised some concern over the look and presentation of the site, recognising that it did need to appeal to a wide range of students, including mature students. These issues will be explored in further research with students and through usability testing.
- c. There is information for teachers available on the site. This can be supplemented if required.
- d. There needed to be an effective communications plan to accompany the launch of the site, including seeking ways to encourage people to use it.

13. The board noted progress with development of the strategy and welcomed receiving further updates on progress.

### **Finance report (paper 6.1)**

14. The Director of Resources, Finance and Transformation updated the board on the year-to-date position on OfS's Administration costs and Programme expenditure for the five month period ended 31 August 2019 and forecast for the full financial year to 31 March 2020. He advised that:

- a. The receipt of income from registration fees was in line with expectations.
- b. There is a small predicted overspend on the Administration budget arising from the additional resources set aside for high priority case work.
- c. Programme expenditure is largely unchanged from the previous report to the board.

15. The board noted the year-to-date and forecast position on Administration costs and Programme expenditure.

### **Report from the Provider Risk Committee (paper 7.1)**

16. The board received a paper on the Provider Risk Committee meetings held on 15 July 2019 and 16 September 2019.

17. The chair of the committee drew the board's attention to the report of the discussion on the draft innovation framework which took place at the July meeting.

18. Having deputised for the chair of the committee at the September meeting, Elizabeth Fagan reported that:

- a. Well informed registration decisions were being made on the basis of robust and balanced information provided by colleagues in the Competition and Registration directorate.
- b. There are still a number of decisions to be made and these are likely to present similar challenges to those cases previously considered by the committee.

- c. Considering the adequacy and effectiveness of a provider's management and governance arrangements is an important element of the committee's decision making process.

19. The board received the report of the Provider Risk Committee.

### **Report from the Quality Assessment Committee (paper 8.1)**

20. Having deputised for the chair of the committee, Martin Coleman updated the board on the outcomes of the meeting held on 12 September 2019. He reported that the committee had considered a paper on the government's recent consultation on higher technical qualifications and in particular the proposals in that consultation about the OfS's role in this area. This will require further consideration to understand how the OfS's regulatory approach would work for providers delivering these qualifications. It was noted that a combination of a baseline for student outcomes, combined with a mechanism to incentivise improvement beyond this baseline seemed feasible.
21. The chair of the committee confirmed that, following previous difficulties, the OfS's relationship with the Designated Quality Body (DQB) was good. The first of reports from the DQB's new quality and standards review method were expected in November and this would provide important information about the way in which the DQB was implementing the OfS's regulatory approach in practice.
22. The board received the report of the Quality Assessment Committee.

### **Report from the Risk and Audit Committee (paper 9.1)**

23. The chair of the Risk and Audit Committee updated the board on the outcomes of the meeting held on 11 September 2019. She reported that:
  - a. Having established a more embedded process for risk management reporting, the committee felt it could add value and provide better support to the board in this area by doing a deep dive into specific risks and alerting them to any issues. The board will be looking at the risk register in more detail at an upcoming meeting and this will link back into the committee's work on risk.
  - b. The committee had welcomed the approach being taken by the new internal auditors and the strategic planning they had undertaken to inform their future work.
  - c. As part of its review of effectiveness, the committee agreed it would welcome receiving more information about what is happening at board level which would better inform its own work.
24. The board received the report from the Risk and Audit Committee.

### **Student panel update (paper 10.1)**

25. The chair of the student panel updated the board on the work of the panel since the last update on 15 May 2019. She reported that:
  - a. Martin Coleman and Gurpreet Dehal had attended the recent meeting. The panel agreed this had been useful and would welcome more board member attendance at future meetings and other opportunities to engage with the board as a whole. Dates of future panel meetings will be circulated to the board.

- b. The panel is keen to get involved in the work of the OfS at a formative stage and will be considering TEF at its next meeting. This will feed into a paper to the board which will be taken at its November meeting.
- c. Working groups in a number of areas are being established and it is hoped that all members of the panel will be engaged in at least one of these groups.

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

### **Report from the Horizon Scanning Panel (paper 11.1)**

27. The chair of the Horizon Scanning Panel updated the board on the outcomes of the meetings held on 24 June 2019 and 16 September 2019. He reported that:
- a. The panel had received a presentation from Simon Marginson, an international expert on global high participation in higher education and the effects of this on quality, and considered what this meant for higher education in England and the potential impact on access and participation and the regulatory framework.
  - b. There is increasing growth in demand for higher education, particularly in China and other parts of Asia, mainly down to parental expectations. Political intervention was unlikely to change this growth trajectory.
  - c. The panel had also considered innovative forms of provision and the potential for them to scale up. The question to consider was how these could be incentivised using the OfS's regulatory tools and approach.
28. The board received the report from the Horizon Scanning Panel and agreed it would be helpful to see the papers discussed at the meeting.

### **Closing remarks**

29. In closing the meeting the chair thanked the board for their contributions. He advised the next meeting of the board will take place on 27 November 2019.

Directors and officers left the room at 14.55.

**Outstanding actions arising from current and previous board meetings:**

**Status update**

Exempt from publication.