

## Report from the Provider Risk Committee

### Issue

1. The board is kept informed of the work of its Provider Risk Committee by receiving a report on the outcomes of each meeting. The attached minute summarises the outcomes of the meeting held on 10 July 2018. This report will be supplemented by an oral report given by the chair of the committee.

### Recommendations

2. The board is invited to receive the report of the Provider Risk Committee.

### Further information

3. Available from Martin Coleman.

### Members' interests

4. Martin Coleman and Elizabeth Fagan are members of the Provider Risk Committee.

## Minutes of the OfS Provider Risk Committee meeting

10 July 2018

### Apologies

1. There were no apologies.

### Declaration of interests

2. Members were invited to declare any conflicts in relation to the providers listed on the agenda.
  - Martin Coleman noted an interest in the University of Cambridge.
  - Nicola Dandridge noted an interest in the University of Cambridge, the University of Bristol and the University of Manchester.

### Minutes of previous meeting

3. The minutes from the previous meeting (Paper 1) on 14 June 2018 were agreed.

### Update on the registration process

4. The OfS has received about 370 applications. Work on the initial tranche of 'early recruiting providers' was on track. It is anticipated that decisions will be taken on about 45 applications in July, and about 200 more by mid-September. It was difficult to estimate at this point how many applications would be brought to the committee for advice or decisions but the picture was likely to become clearer over the next few weeks.
5. The committee was reminded of the series of judgements required to reach a registration decision for an individual provider:
  - Is the provider eligible to register?
  - Does the provider satisfy the initial conditions of registration?
  - What is the risk of a future breach of an ongoing condition of registration?
  - Is further mitigation required?
6. The measures available for use when a provider is first registered and we are seeking to mitigate the risk of a breach of an ongoing condition of registration are:
  - a formal communication to the provider
  - enhanced monitoring

## OFFICIAL

- specific conditions of registration.
7. There was clarification that a formal communication made no regulatory demand on a provider but was a signal to it of an issue which, if not addressed, could lead to regulatory action in future.
  8. Enhanced monitoring is to be used where we consider that closer and more frequent contact with a provider, or provision of additional information by the provider, on a specific issue is necessary. Details of enhanced monitoring are not published on the register.
  9. Specific conditions of registration are published on the register. The committee considered issues around the publication of specific conditions. It was noted that the regulatory framework set out a presumption in favour of publication of a specific condition except where there were strong reasons not to do so to be determined on a case-by-case basis.

### **New members of the committee**

10. The chair of PRC reported that four new members had been selected. They would attend a training event in August but not all new members were able to attend the September meetings.

### **Access and participation plans**

11. The Director for Fair Access and Participation (DFAP) provided an overview of the relationship between the function delegated to the DFAP for the approval (or not) of access and participation (A&P) plans, and the role of the PRC in making decisions about registration.
12. The DFAP's 28 February 2018 guidance to providers on A&P plans for 2019-20 informed them how they should set out in plans how they would improve equality of opportunity for underrepresented groups. The OfS's approach has an increased focus on outcomes compared to OFFA's approach (including a stronger focus on reducing gaps in success and progress in addition to access). Additionally the OfS's expectations are based on assessment of outcomes using national data; an assessment of the credibility of the provider's own assessment of its performance; and the ambition of plans including how investment is prioritised and evaluated. There is an emphasis on the provider securing continuous improvement drawing on rigorous evaluation of its practice. OfS staff challenge providers on their plans and there was an opportunity for providers to improve plans before a decision on approval was taken by the DFAP.
13. Examples of A&P plans would be circulated to the members for information.
14. It was noted that the DFAP received summary statistical student data in relation to access, student success and outcomes. It was agreed that where PRC members were asked to take decisions in relation to applications assessed as requiring mitigation in relation to condition A1, they should have access to the same statistical summary information as the DFAP. It was noted that such information would be made available for the provider for which the PRC was asked to make a decision during the meeting.

### **Providers for Provider Risk Committee advice**

## OFFICIAL

15. Members considered the cases listed on the agenda and brought to the committee ‘for advice’. It was noted that the purpose of seeking such advice was to provide an opportunity for discussion of some common features of applications and assessments. It also provided an opportunity for the committee to review assessments for a wider range of providers than might otherwise be possible.
16. The following general issues were discussed:
- the way in which specific conditions of registration should be drafted to ensure that these were sufficiently clear for providers to understand the action required and to ensure that the OfS was later able to make judgements about compliance
  - that ongoing condition of registration F3 underpinned the use of ‘enhanced monitoring’ as a mitigation of increased risk
  - that the use of a ‘formal communication’ may be appropriate to mitigate increased risk in some circumstances
  - that it would be appropriate to seek additional evidence from a provider where it appeared that one or more initial conditions may not be satisfied
  - that care may be needed to properly understand the extent to which a provider’s business model or provision is ‘innovative’ where this is claimed in support of an application.
17. Where conflicts of interest had been declared by members at the beginning of the meeting, individuals did not contribute to detailed discussion of those providers.
18. The committee agreed that the sample of cases that it had seen provided confidence that assessments were being undertaken on a consistent basis and in line with the assessment framework.

## Registration decisions taken under delegated authority

### 19. Exempt from publication

- Exempt from publication
- Exempt from publication
- Exempt from publication
- Exempt from publication

## Meeting closed

20. The meeting ended at 1500.

## Next meetings

21. 3 and 4 September 2018.