

Chief executive's report

Board's primary role in relation to this paper:

- A. Set strategy
- B. Set risk appetite
- C. Oversee performance
- D. Understand context

Purpose

1. This paper provides an update on work undertaken and issues that have arisen since the last board meeting on 28 September 2023, to the extent that they are not covered in other board papers.
2. The paper is structured around the headings and goals of the OfS strategy 2022-2025 and therefore provides a progress report in delivering those goals.

Recommendations

3. The board is invited to:
 - a. Note the updates contained in this paper.

Paper publication

4. To be published externally along with the board papers, subject to appropriate redactions.

For further information, please contact Susan Lapworth.

Summary of main activity

5. We continued to drive forward work on our two strategic priorities: quality and equality of opportunity. We have published a further four quality assessment reports from our investigations into business and management courses and computing courses. We have also initiated 11 quality assessments for providers seeking registration and eight degree-awarding powers assessments since September. We have completed the assessment of 36 access and participation plans for providers in 'wave 1' and expect to publish updated guidance for 'wave 2' providers on 7 December.
6. Exempt from publication.
7. Our response to the House of Lords Industry and Regulators Committee inquiry into the work of the OfS was published on 27 November.¹ The government's response was published the following day.² We have been proactively engaging with stakeholders, meeting with the chief executives of sector mission groups, and briefing OfS colleagues on our response. There has so far been limited public comment on our response.

¹ See <https://committees.parliament.uk/publications/42303/documents/210300/default/>

² See <https://committees.parliament.uk/publications/42319/documents/210422/default/>

Quality and standards

Our strategic goal is:

Students receive a high quality academic experience that improves their knowledge and skills, with increasing numbers receiving excellent provision.

Quality investigations

8. Since the last board meeting we have published a further four quality assessment reports, bringing the total published so far to six.³ Five relate to courses in business and management and one relates to courses in computing. We have also published a report containing contextual information about the computing subject area.
9. Placing impartial information about the quality of courses into the public domain for students, and for other providers to use ask they think about the quality of their own courses is an important part of our quality strategy. We have seen recognition of the credibility and value of the published reports in the sector media. We have also been reinforcing the purpose of our quality assessment work as a catalyst for reflection and change through meetings with sector groups, and public engagements such as with the Chartered Association of Business Schools.⁴

10. Exempt from publication.

Student outcomes

11. Exempt from publication.

12. On 26 October we published the selection criteria for providers for the next cycle of condition B3 student outcomes assessments starting in 2024.⁵ Criteria include completion, continuation, and progression rates for first degree, 'other undergraduate' courses, and courses with an integrated foundation year; and business and management courses. We will also prioritise partnership arrangements for subcontracted in and subcontracted out students. Selection of providers for assessment will take place in 2024 following completion of the current assessment cycle.

Teaching Excellence Framework (TEF)

13. On 28 September we published TEF ratings for 175 providers. For most of these providers, we have now published summaries of the panel statements explaining the reasons for the ratings, alongside the submissions from providers and their students. Published ratings and supporting information are available on the TEF website.⁶
14. In September a further 53 providers' outcomes were listed as 'pending'. The TEF panel is carefully considering representations about those ratings. We expect decisions to be made for

³ See <https://www.officeforstudents.org.uk/advice-and-guidance/quality-and-standards/quality-assessments/assessment-reports/>

⁴ See <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/susan-lapworth-s-speech-at-a-chartered-association-of-business-schools-event/>

⁵ See <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/ofs-publishes-criteria-for-student-outcomes-assessments-commencing-in-2024/>

⁶ See <https://tef2023.officeforstudents.org.uk/>

almost all of these cases in early December and we plan to publish the ratings as soon as practicable (likely to be 18 December) so that prospective students have access to them well before the UCAS application deadline. The panel may require more time to consider a small number of cases, and we would envisage publishing these outcomes as early as possible in January 2024.

Our strategic goal is:

Students are rigorously assessed, and the qualifications they are awarded are credible and comparable to those granted previously.

15. We continue to investigate matters relating to the credibility of awards at three providers. Exempt from publication.

Our strategic goal is:

Providers secure free speech within the law for students, staff and visiting speakers.

Implementing the Higher Education (Freedom of Speech) Act 2023

16. Work to develop consultation proposals on the new free speech complaints scheme and regulation of students' unions on free speech matters is well progressed. We expect to launch these two consultations before the end of the calendar year.
17. We have undertaken extensive pre-consultation stakeholder engagement, including with sector representative groups, student groups, other complaints-handling bodies and regulators such as the ICO, OIA, the Charity Commission and the EHRC, and others with an interest in free speech in higher education. We have also hosted two workshops for students and students' unions, to seek their views on issues we should consider as we develop the new complaints scheme.
18. We have requested basic information from providers registered in the Approved (fee cap) category about their students' unions. These are the students' unions that will fall within our regulation of free speech matters and that will be subject to the new free speech complaints scheme. This information will inform the development of our work and support our engagement with students' unions through the consultation process.

Incidents and investigations

19. Due to ongoing events in the Middle East there is an increased focus on the boundaries of free speech within the law on university campuses, and on the intersection of providers' free speech duties with their obligations in relation to equality matters and Prevent.
20. We have been deeply concerned to see reports of an increase in antisemitic incidents in higher education settings. Universities and colleges should take steps to uphold free speech within the

law for everyone. But we have been clear that this does not, and cannot, include discrimination against, or harassment of, Jewish students, or any other conduct prohibited by law.

21. Senior OfS colleagues recently met with a working group convened by Universities UK on Israel-Gaza. This group is made up of senior leaders from institutions and representatives from sector bodies. We will continue to engage with DfE and with UUK on those issues, although we have been clear throughout that we are unable to comment on individual cases because we may, in future, need to take regulatory decisions about them.
22. We continue to progress our investigation into free speech matters at the University of Sussex.

Our strategic goal is:

Graduates contribute to local and national prosperity, and the government's 'levelling up' agenda.

Funding for a diversity of provision

23. On 1 November we confirmed that we would make available a further £1.8m for student scholarships in AI, in addition to the existing £18.1m grant.⁷ This funding aims to increase diversity by encouraging students from underrepresented groups to apply and to tackle the digital skills gap within the work force.
24. On 28 September, we announced a competitive bidding competition to distribute up to £40m in funding for degree apprenticeships.⁸ The competition has three aims: to expand course provision at current and new providers; increase student numbers; and increase equality of opportunity. We have published guidance for providers on the bidding process, and the deadline for the first wave of bids was 20 November.⁹ We have been pleased with the positive response to this fund and expect to announce the outcomes of the first wave as soon as possible.
25. We have worked at pace with government to ensure that its vision for growth in medical training places set out in the NHS's Long Term Workforce Plan is achieved. We were informed by the DfE on 1 October that funding would be made available in 2024-25 for an additional 205 medical training places. We have made arrangements to allocate these places and are currently working with government and the sector to deliver the more significant expansion planned for 2025-26.

⁷ See <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/ofs-confirms-81-million-boost-for-postgraduate-ai-conversion-courses-as-evaluation-finds-promising-signs-of-increase-in-diversity-of-graduates/>

⁸ See <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/funding-competition-launched-to-boost-degree-apprenticeships/>

⁹ See <https://www.officeforstudents.org.uk/publications/degree-apprenticeships-funding-competition-guidance-for-providers/>

Lifelong Learning Entitlement

26. We continue to develop our regulation to be ready for the introduction of the Lifelong Learning Entitlement (LLE) in 2025. We concluded our [call for evidence](#) on 2 November.¹⁰ We engaged with a wide range of sector groups and received 37 responses. We are now considering responses and expect to set out our proposals for the next steps in due course.
27. We have been developing a third category of registration as part of our work on implementing the LLE and had been ready to publish a consultation on our proposals and associated transitional arrangements in December. However, on [24 November](#) it was announced [that](#) ministers had decided to extend availability of Advanced Learner Loan funding until 2027, which means that there is no longer a pressing need for us to consult on a third category of registration for 2025.¹¹ We are now considering the best timing for introducing a third category of registration for this new timetable.¹²

Equality of opportunity

Our strategic goal is:

Students' access, success and progression are not limited by their background, location or characteristics.

Access and participation plans

28. We are completing the assessment of 36 'wave 1' access and participation plans (APP) which take effect from the 2024-25 academic year.
29. We have evaluated the early impact of our reforms and expect to publish evaluation findings. We found that providers need sufficient time to develop high quality plans, and so we will publish guidance for 'wave 2' providers ahead of our planned timelines. We expect both of these to be published before the board meeting on 12 December.
30. We expect there will be around 190 'wave 2' plans and we intend to adopt a series of submission deadlines to enable us to prioritise the timely assessment of providers with early student recruitment deadlines and to use our resources effectively.
31. We have written to 43 providers to extend or provisionally rollover their plans for a further year, to enable us to adopt a more risk-based approach to implementing the reforms to equality of opportunity. These providers will therefore need to write new plans to take effect from the 2026-27 academic year.

¹⁰ See <https://www.officeforstudents.org.uk/publications/positive-outcomes-for-students-studying-on-a-modular-basis/>

¹¹ See <https://www.gov.uk/government/publications/lifelong-learning-entitlement-lle-overview/lifelong-learning-entitlement-overview>

¹² See <https://www.officeforstudents.org.uk/advice-and-guidance/skills-and-employment/lifelong-learning-entitlement/> and <https://www.gov.uk/government/publications/lifelong-learning-entitlement-lle-overview/lifelong-learning-entitlement-overview>

Uni Connect

32. Uni Connect is designed to help year 9 to 13 learners make informed choices about higher education and reduce gaps in participation for different student groups. We published 'The impact of Uni Connect on intermediate outcomes for learners' on 3 October, with a final evaluation due in 2024.¹³ The evaluation used yearly surveys of learners and focused on three areas of risk:
- Knowledge: in 2019-20 to 2021-22 knowledge of subjects and courses increased but knowledge of student finance decreased.
 - Benefits: there was an increase in students' perceived understanding of the benefits of higher education, particularly the financial benefits.
 - Learners' ability: in 2021-22 students' confidence that they can get the grades for universities was lower than in previous years, possibly due to the pandemic.
33. We have also published a data snapshot of engagement, delivery, and partnership data for the 2021-22 academic year.¹⁴

Our strategic goal is:

Prospective students can choose from a diverse range of courses and providers at any stage of their life, with a wide range of flexible and innovative opportunities.

Registration

34. There have been no new providers registered since the last report to the board in September. Our rate of resolving registration cases continues to exceed the rate at which we receive new applications. We have reduced the number of open applications from 40 reported at the last meeting, to 37 in November 2023. The total number of registered providers is now 423 as of 5 December.
35. We continue to have success using our updated registration guidance, published in October 2022, in managing our resources through the early closure of incomplete and poor-quality applications. Since the last board meeting, we have written to two providers to advise that we will not take their applications any further and a further three have withdrawn from the process following engagement.
36. We expect to publish further updates to our registration guidance this year to provide more detailed information about our approach to quality and standards assessments and the timelines for them.

¹³ See <https://www.officeforstudents.org.uk/publications/independent-evaluation-of-uni-connect-s-impact-on-outcomes-wave-4/>

¹⁴ See <https://www.officeforstudents.org.uk/publications/uni-connect-data-snapshot-2021-22/>

Quality and standards assessments for registration and DAPs

37. Since the last board meeting, we have completed the first OfS-delivered quality assessment visit to a provider seeking registration. We have made decisions to commence a further seven such assessments and a further four are currently in the pre-decision 'scheduling' phase. We are planning for up to 25 cases before the end of the business year, subject to provider readiness.
38. Since September 2023 we have opened eight DAPs quality assessments and expect to open up to 20 cases before the end of the business year, again subject to provider readiness. Of the assessments that were live on 1 April 2023, when we took over this work from the QAA, subject to provider readiness, we expect to meet hard deadlines where these exist.
39. Exempt from publication.

Apprenticeship end-point assessments

40. We have recruited nearly 80 external apprenticeship assessors with a range of subject expertise. In October we published revised and simplified [guidance for providers](#) explaining our risk-based approach to assessment.¹⁵ We have selected the first 20 providers in scope for a monitoring assessment and expect to roll out assessment activity for January 2024.

Open University validation project

41. In 2022, we commissioned the Open University (OU) to offer a validation service for high quality vocational and technical (Level 4 and 5) courses. As of September 2023, nine colleges have been approved to work with the OU and 23 eligible courses have been approved. The OU has delivered an approval process for these cases in less than five months, significantly faster than typical approval timescales in the sector. The first course to be validated through this project was launched at Yeovil College: a foundation degree in Dental Technology in September 2023.

Our strategic goal is:

Providers act to prevent harassment and sexual misconduct and respond effectively if incidents do occur.

42. We have been considering the responses to our [consultation](#) on tackling harassment and sexual misconduct and developing recommendations for decision makers.¹⁶ We expect to publish decisions in early 2024 to provide sufficient time for providers to implement any new requirements ahead of the 2024-25 academic year. Our pilot prevalence survey on sexual misconduct has now closed and we are considering the outcomes.

¹⁵ See <https://www.officeforstudents.org.uk/publications/external-quality-assurance-of-apprenticeship-end-point-assessment-for-integrated-higher-and-degree-apprenticeships/>

¹⁶ See <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/ofs-launches-consultation-on-tackling-harassment-and-sexual-misconduct/>

Our strategic goal is:

Providers encourage and support an environment conducive to the good mental health and wellbeing that students need to succeed in their higher education.

43. On 19 October, we published an Insight brief on Meeting the mental health needs of students which contained analysis of data on the outcomes for different groups of students where they have reported a mental health condition to their university or college.¹⁷ The data identified a small increase in the rate at which students self-report mental health conditions since 2010, although this remains a small minority of all students. Female students are more likely than male to report a mental health condition, and students with mental health conditions are less likely to continue in, complete and successfully progress from their degree.
44. We launched a new Student Mental Health and Evidence hub on 19 October, funded by the OfS and led by the Centre for Transforming Access and Student Outcomes (TASO).¹⁸ It provides universities and colleges with easy access to information, evidence, and evaluation guidance to improve the effectiveness of their mental health support for students.
45. On 28 November we published final outcomes from our action learning project to encourage improved collaboration and relationships between higher education and NHS providers on student mental health.¹⁹

¹⁷ See <https://www.officeforstudents.org.uk/publications/meeting-the-mental-health-needs-of-students/>

¹⁸ See <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/new-ofs-funded-evidence-hub-launched-to-improve-student-mental-health-support/>

¹⁹ See <https://www.officeforstudents.org.uk/publications/student-mental-health-higher-education-and-nhs-joined-up-working/>

Enabling regulation

Our strategic goal is:

Providers are financially viable and sustainable and have effective governance arrangements.

Financial sustainability

46. Our analysis of the [financial sustainability](#) published in May 2023 set out the tighter financial position and increased financial risks that providers in the sector are facing.²⁰ Nearly 200 providers will submit their Annual Financial Returns during December and January and these will give us an up to date view of the financial position for individual providers and of sector trends. Other intelligence, including UCAS data, suggests that some providers may be struggling to recruit to the level they had forecast. We have followed up with some providers that appeared likely to be particularly affected, and we have signalled more broadly in recent public speeches that providers should be careful to avoid optimism bias in the forecasts they submit.
47. In recent months there has been an increase in the number of providers we have identified as at risk of market exit. Dealing with these cases is taking an increasing proportion of OfS staff time.
48. There is a separate paper on the board's agenda in relation to these issues.

Protecting public funding

49. The National Audit Office (NAO) has been investigating the funding of providers delivering courses through subcontractual relationships. At the time of writing, we are engaging with the NAO on a draft report and seeking to ensure it appropriately reflects the OfS's role and responsibilities and the statutory basis for our work. We understand that the final report is likely to be published in early 2024.
50. There is a separate paper on the board's agenda in relation to these issues.

Our strategic goal is:

Students receive the academic experience they were promised by their provider and their interests as consumers are protected before, during and after their studies.

Partnership with National Trading Standards

51. Exempt from publication.

²⁰ See <https://www.officeforstudents.org.uk/publications/financial-sustainability-of-higher-education-providers-in-england-2023-update/>

52. Exempt from publication.

53. We expect to refer to Trading Standards two further cases where we have identified concerns about a provider's terms and conditions. Three potential new cases have also been identified.

Our strategic goal is:

The OfS minimises the regulatory burden it places on providers, while ensuring action is effective in meeting its goals and regulatory objectives.

Student data returns

54. Since the last board meeting, we have continued to work closely with Jisc as it delivers the new Data Futures model to collect student data from registered providers. On 13 November we announced our decision to further extend the sign-off deadline for the 2022-23 Student (Data Futures) return from 3 November to 22 November 2023.²¹ This was well received by providers and sector bodies.

55. Exempt from publication.

56. These implementation challenges create additional risks for the quality of data delivered by Jisc at the end of the process. We have put in place mitigations to ensure, as far as possible, that the data is sufficiently robust for our purposes.

57. We also announced that the first collection of student data in-year, due in the autumn of 2024-25, would not go ahead for providers in England. We are commissioning an independent review of the current issues with the delivery of Jisc's Data Futures programme and want to be confident that a move to in-year data collection can be achieved effectively for providers and the OfS. We expect the review to begin in the new year.

²¹ See <https://www.officeforstudents.org.uk/publications/update-on-data-futures/>

Efficient and effective OfS

58. We have continued to expand our engagement with providers, visiting 26 providers this autumn, and planning to visit more than 30 in the first few months of next year. We have also continued to deliver our new programme of events, with plans for an introduction to the OfS for chairs of governing bodies and an introduction to the OfS for staff new to the higher education sector.
59. Our new People Strategy will run from 2024 to 2028. It was developed through consultations with staff and is aimed at increasing recruitment and retention, and further improving the employee experience. It is split into three pillars: 'attract and onboard', and 'engage and reward', and 'develop and retain'. A copy of the strategy is provided for board members in the Resources section of Diligent.
60. We understand that the DfE will shortly announce a lead reviewer for the forthcoming OfS Public Bodies Review. There is a separate paper on the board's agenda in relation to this item.
61. Earlier this year, the board agreed a revised policy for managing conflicts of interest and we have now made some consequential amendments to the Board proceedings and code of conduct document to ensure it is consistent with the revised policy. An annex to the code of conduct, which described the previous arrangements for handling conflicts of interest, has been removed. The revised Board proceedings and code of conduct is available on the OfS website.²²

²² See <https://www.officeforstudents.org.uk/about/who-we-are/our-board-and-committees/>