



Rt Hon Gavin Williamson CBE MP
Secretary of State

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Sir Michael Barber and Lord Wharton of Yarm
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Dear Sir Michael and Lord Wharton,

Guidance to the Office for Students (OfS) – Secretary of State’s strategic priorities

I want to thank the Office for Students once again for all of its continued hard work in response to the COVID-19 pandemic, including allocating and distributing recent hardship funding, its work on mental health support, monitoring quality, issuing guidance and setting expectations for providers concerning support for self-isolating students and sharing best practice and guidance on a range of issues.

I am addressing this guidance letter to you, Sir Michael, as the current outgoing Chair of the OfS, and am very thankful to you for your work in setting up and then building the OfS over the past three years. I have hugely valued your leadership, insight and advice during your time as Chair and I have both enjoyed and benefited from our working relationship. I am also addressing this letter to Lord Wharton as the incoming Chair of the OfS. As your appointment, Lord Wharton, will start on 1 April 2021, it will be your role to guide and provide leadership to the OfS and its Board in delivering the strategic outcomes outlined in this letter in the coming year and beyond.

The Department recently published the Further Education White paper¹ and interim conclusion on the review of post-18 education and funding,² which together set out my vision for post-16 education. I want to ensure that post-18 education gives everyone a genuine choice between high quality technical and academic routes that lead to good jobs, that students and taxpayers get value for money, and that employers can access the skilled workforce they need. This is critical to achieving the Government vision for levelling up and equality of opportunity, and the OfS will have an important role to play in that delivering that

¹ <https://www.gov.uk/government/news/pioneering-reforms-to-boost-skills-and-jobs>

² <https://www.gov.uk/government/publications/post-18-education-and-funding-review-interim-conclusion>

vision. The OfS should ensure that it operates in a way which reinforces Government's wider economic priorities.

Following these publications, I want to take the opportunity to provide guidance to the OfS, as referred to in section 2(3) of the Higher Education and Research Act 2017 (HERA), and to set out for the OfS my strategic priorities for higher education for the next year and beyond. The policy areas included in this guidance reflect my strong view that the OfS should focus on driving up quality, being risk based, minimising bureaucracy, and ensuring that it delivers on equality of opportunity in higher education. I would also like the OfS to interpret the Government response to the Independent Review of the Teaching Excellence and Student Outcomes Framework as guidance from me under section 2(3) of HERA.

I want to confirm that, apart from my guidance letters on 14 September, 14 December 2020, 19 January 2021 and 2 February 2021³ which related to delivery of particular time critical issues, this letter replaces all previous guidance. The OfS will, of course, still need to deliver its functions under HERA and its operational responsibilities, but the replacement of the majority of previous guidance will, I hope, provide clarity on my priorities and allow the OfS to focus its energy and resources on these.

Ongoing response to COVID-19 pandemic

The COVID-19 pandemic has been a very difficult time for students and providers and supporting the response to it will remain a high priority for the OfS and Government for the foreseeable future.

Providers have worked very hard in very difficult circumstances to continue to deliver high quality tuition to students. In some instances, however, students have raised concerns about the quality of their tuition. I am pleased that the OfS has set out clear expectations on the quality of teaching and assessment that students should expect, and how to maintain standards during this time, and would like the OfS to continue to monitor this closely, and to take swift action where it is clear that quality and academic standards have dropped. I would like the OfS to communicate the findings from their monitoring work and ensure students are aware of the notification process that they can follow to raise any issues.

I would like the OfS to continue to support initiatives in relation to mental health in the short and long term. This should be through distributing funding to providers in line with my January guidance, and developing and funding challenge competitions to enable providers to develop innovative practice in mental health support. This funding should target mental health support for students transitioning from school/college to university and prioritising the most disadvantaged learners. Where possible, I would also like the OfS to identify opportunities to work with the HE and health sectors to contribute to guidance and strategic frameworks to share good practice. This will better support all students, particularly hard to reach groups.

³ <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/guidance-from-government/>

Monitoring financial sustainability remains of great importance during and after the pandemic and I would like the OfS to continue to work in close collaboration with the Department and UKRI on this. It is important that the OfS maintains a close understanding and oversight of financial issues arising from the COVID-19 pandemic and shares information where appropriate so that the OfS and Government can work together to provide timely support for providers through the Restructuring Regime and ensure effective protection of students.

Finally, with exams for final year school and college students not going ahead as planned, I would like OfS to work with the Department, Ofqual, UCAS and others to ensure that admissions this year run as smoothly as possible and students' interests are fully taken into account. In addition, I expect that you will continue to work closely with the Department for Health and Social Care and Health Education England to determine the intake of students to medical and dental programmes, taking into account deferrals from the previous year.

Quality

One of my highest priorities and an important manifesto commitment is to drive up quality and standards in higher education, which is a fundamental part of our levelling up agenda. This is in addition to the work outlined above on the quality of online learning.

I strongly welcome the OfS' recent consultation on regulating quality and standards in higher education⁴ and would like the OfS to progress rapidly to ensure that a robust enhanced regulatory regime can be operational as soon as possible. I fully support the OfS' desire to ensure that decisions on regulatory intervention and registration can be made in relation to minimum absolute standards of quality which apply across the whole of higher education provision. I firmly believe that every student, regardless of their background, has a right to expect a minimum standard of education that is likely to improve their prospects in life. I am pleased that the OfS' current work on establishing universal minimum standards is addressing both the content and the process by which such standards can be established and, if necessary, adapted in the future in a clear and robust way. I note that these standards are likely to take account of, though not be confined to, quantitative measures, including measures relating to student outcomes.

The OfS should not hesitate to use the full range of its powers and sanctions where quality of provision is not high enough: the OfS should not limit itself to putting in place conditions of registration requiring improvement plans for providers who do not demonstrate high quality and robust outcomes, but should move immediately to more robust measures, including monetary penalties, the revocation of degree awarding powers in subjects of concern, suspending aspects of a provider's registration or, ultimately, deregistration.

It is also my view that the OfS should not be registering providers without rigorous quality and a commitment to robust graduate outcomes, which should be closely monitored once registered.

I want to be clear, however, that providers delivering high quality provision and strong outcomes for students should not be adversely affected by additional

⁴ <https://www.officeforstudents.org.uk/publications/consultation-on-regulating-quality-and-standards-in-higher-education/>

unnecessary bureaucracy or reporting in relation to quality: I would like the OfS to take a risk-based approach to quality assessment and regulation, focusing its efforts on lower quality providers.

Admissions and equality of opportunity

Fair access to and success in higher education is critical to levelling up and providing equality of opportunity: it provides students with access to new skills and better paid jobs and is fundamental to this Government's ambition of enabling every person to fulfil their potential.

Central to my plans to improve equality of opportunity is our consultation on post-qualification admissions⁵, which we have launched because we believe it has the potential to contribute towards improved student outcomes in the longer-term. I would like the OfS to support the Department's work to develop the evidence base and implementation options during and after consultation. We want to ensure that any move to post qualification admissions genuinely improves the prospects of disadvantaged students and, in particular, facilitates greater numbers of them accessing the most selective universities.

It is very important that the OfS' work on access and participation focuses on delivering real social mobility: ensuring students are able to make the right choices, accessing and succeeding on high quality courses which are valued by employers and lead to good graduate employment. Encouraging more and more students onto courses which do not provide good graduate outcomes does not provide real social mobility and serves only to entrench inequality.

To support equality of opportunity, I would like the OfS to continue to consider broader factors, including socio-economic status and geographical inequality, which are likely to impact on access and participation in higher education. This should include a focus on white boys on free school meals who are currently the least likely group to progress to higher education.⁶ This approach should continue to be evidence based and the OfS should ensure that providers' access and participation plans and Uniconnect lead to clear, measurable progress in this area. Universities should be mindful of the importance under the Robbins Principles to select on to higher education courses those students who are qualified by ability and attainment to benefit, and I would like the OfS to encourage universities to do much more to work with schools in a way which meaningfully raises the attainment of disadvantaged children.

I also believe that encouraging students from disadvantaged backgrounds or experiencing hardship to take part in the new Turing Scheme would benefit them: and would encourage the OfS not only to promote the Turing Scheme generally, but also to take steps to ensure providers make every effort to increase participation in outward mobility activity including through providing any additional support they may need.

I would like to remind the OfS that it has a statutory duty to have regard to the need to promote equality of opportunity, not equality of outcome. The OfS must be a champion for the importance of academic and technical excellence in all aspects of the student lifecycle, from selection to graduation. Throughout all of its

⁵ <https://www.gov.uk/government/consultations/post-qualification-admissions-in-higher-education-proposed-changes>

⁶ <https://explore-education-statistics.service.gov.uk/find-statistics/widening-participation-in-higher-education>

work, including access and participation, the OfS should be guided by the approach to equality of opportunity set out by the Minister for Women and Equalities in her speech of 17 December⁷, one that is rooted in liberty, agency, and fairness. The OfS should reflect upon the extent to which its policies and procedures are aligned with this approach as it plans its future activity.

Risk based regulation and reducing bureaucracy

In Minister Donelan's guidance letter to the OfS on 14 September 2020, she set out a number of areas where she expected the OfS to reduce the bureaucratic burden on providers. Those areas included enhanced monitoring, termly data collections under data futures, random sampling, student transfer arrangements, estates and non-academic staff data and a review of TRAC and the OfS' transparency condition. Thank you for engaging with the work to reduce bureaucracy to date.

In addition to reducing bureaucracy in the areas outlined in Minister Donelan's letter, I would like the OfS look across everything that it does to identify further opportunities to reduce unnecessary bureaucracy and reporting requirements for providers: this is particularly important in the current circumstances of the pandemic, where any unnecessary bureaucracy could be a distraction for providers from their critical focus on safety and support of students, and maintaining the ongoing quality of teaching and research.

In my view, to date, the OfS has not been sufficiently risk-based. A risk-based approach to regulation should consider the overall regulatory burden faced by providers, including data gathering, reporting and monitoring, not just the application of conditions of registration. It is my view that there are further opportunities for the OfS to ensure that providers with consistently strong performance face minimal regulatory burden. I would like the OfS to implement a markedly more risk-based model of regulation, with significant, meaningful and observable reductions in the regulatory burden upon high quality providers within the next 12 months.

Minister Donelan also asked the OfS in her 14 September letter to carry out a radical review of the National Student Survey (NSS). I can confirm that this remains a high priority, in order to address the downwards pressure that student surveys of this sort may exert on standards. I would like the OfS to take the time it needs to ensure this review is genuinely radical, consider carefully whether there could be a replacement that does not depend on a universal annual sample, and ensure that a replacement does not contribute to the reduction in rigour and standards. It is my strong view that the NSS should play at most a minimal role in baseline quality regulation.

Greater Flexibility in Post-18 Education

I would like the OfS to work with the Department on the design and implementation of the Government's flagship Lifelong Loan Entitlement and our ambition to provide greater choice and flexibility for learners, including through encouraging a move towards increased high quality modular and higher technical (Level 4 and 5) provision. I would also like the OfS to work with the Department and Institute for Apprenticeships & Technical Education on the implementation of

⁷ <https://www.gov.uk/government/speeches/fight-for-fairness>

reforms to occupationally focused higher technical qualifications. I see this as fully consistent with a robust approach on quality, as students should be confident of high quality and positive outcomes whether they are undertaking a module or a three-year degree.

As part of the development of the LLE, I would like the OfS to work with DfE and other stakeholders to consider how to support the accumulation and transfer of credit and to develop a regulatory system that is fully equipped to support radically different, flexible arrangements, measuring quality using metrics that are meaningful in the new system and interact positively with our admissions regime.

Delivering our vision will require action from providers to adapt to this new model and providers will need to work towards delivering greater flexibility in the courses they offer. Alongside that work by providers, the OfS should ensure that it, too, is considering how all aspects of its regulatory approach will need to adapt to and support this new model.

Specific priorities

Free Speech and Academic Freedom

This Government's manifesto pledged to strengthen academic freedom and free speech in universities, and this remains an important priority. While I welcome your powerful speech, Sir Michael, on 20 January on this subject, to date there has been little regulatory action taken by the OfS in relation to potential breaches of the registration conditions relating to freedom of speech and academic freedom, despite a significant number of concerning incidents reported since the full suite of its regulatory powers came into force.

I intend to publish a policy paper on free speech and academic freedom in the near future and I would like the OfS to continue to work closely with the Department to deliver this shared agenda and ensure our work is closely aligned. I would also like it to take more active and visible action to challenge concerning incidents that are reported to it or which it becomes aware of, as well as to share information with providers about best practice for protecting free speech beyond the minimum legal requirements.

All students deserve the opportunity to receive a rigorous and high-quality education. While providers are rightly free to determine the content of their courses, university administrators and heads of faculty should not, whether for ideological reasons or to conform to the perceived desires of students, pressure or force teaching staff to drop authors or texts that add rigour and stretch to a course. The OfS should robustly challenge providers that have implemented such policies and clearly support individual academics whose academic freedom is being diminished.

Higher Education Teaching Grant budget

I wrote to the OfS on 19 January to set out the Higher Education Teaching Grant budget for the 2021-22 financial year and my funding priorities. I will not repeat the content of that letter here but want to take the opportunity to emphasise again that delivering on the guidance in that letter is one of my highest priorities.

I would like to take the opportunity to ensure the name of this funding reflects its important role in supporting providers and students to develop the skills and

knowledge needed locally, regionally and nationally to support the economy. I would therefore like you to make arrangements to change the name of the Teaching Grant to the Strategic Priorities Grant so that it reflects this role.

Antisemitism

Following my letter to the sector on 9 October 2020 on antisemitism and adoption of the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism across the HE sector, we have seen positive progress, with at least 31 additional institutions adopting the definition. I would like the OfS to undertake a scoping exercise to identify providers which are reluctant to adopt the definition and consider introducing mandatory reporting of antisemitic incident numbers by providers. This would ensure a robust evidence base, which the OfS could then use to effectively regulate in this area. If antisemitic incidents do occur at a provider, the OfS should consider if it is relevant in a particular case whether the provider has adopted the definition when considering what sanctions, including monetary penalties, would be appropriate to apply.

International opportunities and risk

When the sector starts to move past the difficult circumstances created by COVID-19, a key focus of UK higher education providers will understandably be how to sustainably and responsibly recover international student recruitment, given the importance of this group to the financial health of the sector. The Government has updated its International Education Strategy to support that objective, restating its commitment to the IES' original ambition to increase international higher education student numbers to at least 600,000 by 2030⁸.

In addition, we are doing our utmost to raise awareness within the sector that, where there are international opportunities, there are also risks, including overdependence on income from a single source and security-related issues. At the request of the Minister for Universities, Universities UK produced important guidelines and recommendations to help providers manage risks in internationalisation. I would like the OfS to monitor the adoption of these recommendations by providers and continue to support the sector to manage these risks to the reputation, integrity and sustainability of individual institutions, as well as to the sector as a whole.

I want to take the opportunity, Sir Michael, to thank you again for all of your work as Chair of the OfS over the last three years and to wish you all the best for the future. I look forward to working closely with you, Lord Wharton, on delivering my strategic priorities.

A handwritten signature in blue ink, appearing to read 'Gavin Williamson', written over a white background.

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⁸ <https://www.gov.uk/government/publications/international-education-strategy-2021-update>