



Chief Executive's Report

Issue

1. To update on work undertaken and issues that have arisen since the date of the last board meeting on 1 December 2020, to the extent that they are not covered in other board papers.

Recommendations

2. The board is invited to:
 - a. Note the summary of media coverage at Annex A
 - b. Note the updates contained in this paper.

Further information

3. Available from Nicola Dandridge.

Summary of main activity

4. Following the announcement of a new national lockdown on 4 January this year and the consequence that the majority of students would revert to online learning, the OfS wrote to all accountable officers on 14 January 2021 reiterating our expectations. The letter restated our decisions from April and June 2020 to adjust our usual regulatory approach in recognition of the exceptional circumstances the sector is facing. The letter included a requirement that universities and colleges:
 - a. review the extent to which they had been sufficiently clear with students about how teaching and assessment would be delivered in AY 2020-21
 - b. assess whether students had received in the autumn term the teaching and assessment they were promised and might reasonably have expected to receive based on the information provided
 - c. assess whether current plans for the spring and summer terms would ensure students received the teaching and assessment they were promised and might reasonably expect to receive based on the information provided.

In addition, the letter reiterated the expectations that we had previously set out in terms of providers needing to communicate with students about further changes to teaching and assessment arrangements, the implications of these changes and the options available, as well as letting students know about their entitlement to seek refunds or other forms of redress where they have not received the teaching and assessment promised. Our letter re-stated our regulatory approach and reduced reporting requirements during the pandemic, along with further information about limited changes to guidance on quality and standards and reportable events that would be forthcoming. Finally, the letter noted that we would be assessing the implications of the latest lockdown on the 2021 admissions cycle with time-limited condition Z3 continuing to apply.

5. On Thursday 28 January (after despatch of board papers and before the board meeting), we will follow up on our 14 January 2021 letter, with an updated version of the guidance on regulating during the pandemic, previously issued in April 2020. In the updated version, we expand on the issue of 'no detriment' in terms of assessment, by stating that we expect providers to consider both the assessment and awarding arrangements necessary to recognise the impact of the pandemic on the learning of all students, and the arrangements necessary for students whose individual circumstances are not effectively otherwise addressed.
6. Sector bodies have responded to the letter in many cases to emphasise that their members are doing all they can to support students and we have been engaging directly with a number of mission groups to discuss our approach and requirements further.
7. In recognition of the pressures faced by providers in responding to the latest lockdown, we extended the deadline for responses to our quality and standards consultation until 25 January 2021 (and had received 219 responses by 1600 on Monday 25 January), have paused the publication of a planned consultation relating to free speech, and we are reviewing the response times and publication schedules for other consultation activity.

8. On 21 January 2021, the Department for Education published several new policy documents. These included a white paper relating to Further Education, a consultation on post-qualification admissions, an interim response to the Augar review of post-18 education, the publication of the Pearce review of the TEF and the government's response, and a statutory guidance letter to the OfS setting out the government's expectations for the allocation of teaching grant funding. I wrote to accountable officers on the same day to set out how we would be responding to the government's proposals in relation to TEF and teaching grant funding. In summary, we plan to consult on the government's funding proposals in mid-February 2021, with decisions following in May 2021 and to consult on proposals for the future of TEF in spring 2021. Further information about our plans in relation to TEF and Funding can be seen in papers 4.1 and 7.1 respectively.
9. The statutory guidance letter from the Secretary of State dated 19 January 2021 references his powers of direction under section 77 of the Higher Education and Research Act (HERA) in the context of OfS funding allocations. As the board will be aware, decisions on funding allocations are for the OfS. The intention is that we will publish a consultation to inform those funding decisions, and the decisions will then be made by the OfS taking account of the results of the consultation. This process is separate to the powers of the Secretary of State to issue general directions under section 77.
10. Board members will have seen the announcement on 18 December 2020 that Lord Wharton of Yarm has been selected as the Secretary of State's preferred candidate to chair the OfS once Michael's term finishes on 31 March 2021. The appointment is subject to being confirmed by the Secretary of State after a pre-appointment hearing with the Education Select Committee on 2 February 2021.
11. In terms of future board meetings during this period of transition, we are provisionally planning to hold a short meeting on 9 March 2021, potentially with both Michael and Lord Wharton which will include a small number of business matters, along with a more informal handover discussion. We are also actively considering asking board members to join an additional short meeting in April 2021 that would be called primarily to give the board an opportunity to consider responses to the phase one quality and standards consultation, in order to inform proposals in the second phase consultation. We would then revert to the agreed 2021 meeting schedule from 13 May 2021.

Strategic objective – participation

12. We published a consultation on the future of the Uni Connect programme on 15 December 2020, alongside evidence from the independent evaluation of the programme. The consultation is now closed and we will be considering responses as well as having regard to statutory guidance on our allocation of teaching grant, before reaching final decisions. Further information about our approach to funding is contained in paper 7.1.
13. On 26 November 2020, we published APP monitoring guidance for providers which sought advice from providers on the impact of the pandemic on their future plans as well as requiring them to report on their progress against APP plans in 2019-20. We have also published, on 14 December 2020, supplementary guidance on student submissions for the monitoring of 2019-20 access and participation plans. This guidance explains how students can complete a report on the progress their university or college has made in delivering its 2019-20 APP plan. Both

the provider and student submissions will be considered together when we make decisions about any regulatory interventions or any alterations to plans that may be agreed from April onwards.

14. Chris Millward gave evidence to the Education Select Committee on 7 January 2021, on the barriers to higher education for white pupils in left behind areas of the country. This session has been followed up with a blog, published on 26 January 2021.
15. The OfS contributed to the first annual report of the Disabled Students Commission, published on 21 January 2021, which summarises the guidance the Commission has published for students with a disability so they can participate fully in higher education, particularly during the pandemic.

Strategic objective – experience

16. We have now initiated a project aiming to increase students' and students' union awareness of our notifications system, with the aim of supporting students to notify us of potential breaches of our registration conditions. We published guidance for students on 26 January 2021 in support of this initiative. This will be followed up with a programme of planned engagement and online discussion with student groups, the National Union of Students as well as communications campaigns through our various social media channels and with Wonkhe SU's.
17. Work on Michael's review of digital teaching and learning continues at pace, with the report on track to be published in February 2021, with an accompanying launch event. We will share further details of this event with board members shortly.
18. In response to the pandemic, the DfE has made available an additional £10 million of recurrent funding and up to £10 million in additional capital funding to support increased student numbers in 2020-21 following on from the changes to A-Level and other Level 3 qualification grading last summer. In October, we consulted on our approach to the distribution of these funds. The capital funding is being distributed to providers via a bidding competition.
19. We received 67 bids requesting a total of £31 million. Following our assessment of proposals in December, 42 bids have been selected for funding with the full £10 million allocated. The allocations are provisional at this point; the distribution of the additional funds will be made after 2020-21 student numbers, as reported in the 2020 Higher Education Students Early Statistics survey (HESES20) are formally signed off in early February. This data will confirm whether the increases in student numbers are sufficient to confirm the award of funding. The distribution of the additional recurrent funding will be confirmed in February 2021, so that it is informed by each provider's signed-off HESES20 data.
20. In addition, on 14 December 2020, the Minister of State for Universities issued a guidance letter which announced an allocation of £20 million to be distributed to students by way of hardship funding due to the pandemic. We have now distributed this money to providers using existing student premium funding mechanisms, for them to distribute to their students.
21. Our report with an analysis of graduate wellbeing, published on 8 December 2020, was broadly covered in the media. The report was covered by the Times (in print), Metro, Daily Telegraph, Daily Mail and Times Higher Education, while Press Association coverage was used in regional and local newspapers across the country.

Strategic objective – efficient and effective

22. On 15 December 2020, we published consultations relating to monetary penalties, reportable events and publication of information about higher education providers. We also published revised guidance on our approach to monitoring and intervention and new guidance on third party notifications. These publications form part of a wider review of our approach, reflecting the commitment we have made to target our regulatory activity where it is most needed, and to reduce regulatory burden for those providers that do not pose increased risk. We are of course mindful of the context within which higher education providers are currently operating, and so the consultation period has been extended and deadlines for responses have been staggered to allow providers to engage with each set of proposals.
23. The board is invited to note and feedback on the new approach and format of board papers 7.1 and 6.1 on funding and the Designated Quality Body respectively. In response to discussions at the December away day, the new approach summarises the issue and recommendations for the board as concisely as possible with a cover paper of no more than five pages and any further detail contained in annexes.
24. Since the last board meeting, the following key performance measures (KPMs) have been published on our website:
 - a. KPM 8 on diversity of choice with subjects
 - b. KPM 9 on geographical diversity of subject choice
 - c. KPM 14 on the impact of market exits on students
 - d. KPM 17 on graduate wellbeing
25. As discussed at our recent board meeting, we published our report on the sector's financial sustainability on 11 December, 2020. The update was widely reported, including in the Daily Telegraph.
26. Work has continued on the HESA data futures programme which remains on track despite the pandemic. Gurpreet Dehal attended the first quarterly review group meeting on 11 December 2020. The terms of reference for the group are included at Annex B. A full report on data futures will come to the board for consideration at its next meeting.
27. Internally, we have been reprioritising our activity to ensure that core work is delivered, while accounting for reduced capacity among staff and the need to deliver the regulatory response to the lockdown set out in our letter to accountable officers on 14 January 2021. Details of our plans for the development of our next strategy, for discussion with the board, are included in paper 8.1.
28. The OfS continues to operate on a remote basis predominantly, though our Bristol and London offices are available to those staff who need to use them, for either their wellbeing or due to other requirements. We continue to support staff who are working from home.
29. Our social media channels continue to grow. At the time of writing, we have 15,300 followers on Twitter. We are continuing to use social media to update students on information relating to

the pandemic, including the government's plans to facilitate the safe movement of students during the Christmas break.

30. Pages from the [student guide to coronavirus](#) on our website were the most viewed pages in December. We will continue to update them and all our social media channels as the situation develops.

Annex A – Press Cuttings

Annex B – HESA Data Futures Group Terms of Reference

Data Futures Quarterly Review Group

TERMS OF REFERENCE – FINAL – 22/01/21

1. Purpose/decision rights

- 1.1. To provide Board level oversight for funder (Statutory Customer and HESA) Boards to support successful delivery of Data Futures including to:
- Provide assurance on whether the programme is progressing in line with Board expectations
 - Approve any changes to the Data Futures programme mandate (Annex C of the September proposal) e.g. arising from the outcome of the burden review
 - Make decisions on trade-offs and compromises (e.g. between features, workarounds, technical debt and impact on providers) that cannot be agreed without significant implications for costs and/or timeframes
 - Act as an escalation point for areas of disagreement between HESA/Jisc/SCs, escalated from Programme Board or SRO
 - Approve the scope of any external assurance activity
 - Post event check on authorisation of contingency being approved by Programme Board
 - To stop and/or request a re-baseline of the programme if required.
- 1.2. The group will remain extant until the Data Future programme completes or as agreed by the funders.

2. Membership

- 2.1. The members of the Quarterly Review Group shall be:

Representative Body	Initial Representative
Chair	Mark Smith
OfS Board	Gurpreet Dehal
OfS Observer	Richard Puttock
Devolved Administrations: <ul style="list-style-type: none"> • Northern Ireland • Scotland • Wales 	Michael Weatherup Martin Smith Bethan Owen
HESA	Paul Clark
Jisc	Paul Feldman

- 2.2. Each Representative may appoint any person (including another Representative) to be his or her alternate and may at his or her discretion remove an alternate Representative so appointed.
- 2.3. Each Representative, who ceases to be employed by his or her Representative Body, shall cease to be a member and the Representative Body shall nominate a person in their place.
- 2.4. Meetings shall be quorate providing that one Representative from each of the OfS, HESA and Jisc are present.

- 2.5. If the Chair is not available to join the meeting, the Representatives present shall agree who will Chair the meeting.
- 2.6. The meetings shall be attended by the Director of Technology Transformation or their nominee from HESA, the Chief Innovation Officer or their nominee from Jisc, an OfS Observer and such other attendee as requested by the Chair. The Secretariat function shall be provided by HESA.
- 2.7. There shall be no remuneration to the Representatives, other than payment of any pre-agreed expenses if required and necessary for the fulfilment of their role.

3. Accountability

- 3.1. Respective Boards of Trustees.

4. Meetings

- 4.1. There shall be a minimum of 4 meetings per annum scheduled after the project's Programme Board. Ad-hoc meetings may be scheduled to resolve escalated issues. The Secretariat will provide adequate notice and an agenda and minutes of the previous meeting.
- 4.2. The recommended agenda will include, but is not limited to:
- Statement from the Programme Board – confirming the programme is on track/or highlighting items to be noted
 - Delivery Headlines
 - Quarterly summary (from preceding programme board slides)
 - Progress against Roadmap
 - Major Risks and Issues – material impact on timescales and/or costs
 - Finances – utilisation and forecast against budget
 - Relationship Review
 - HESA/Jisc
 - OfS Assurance
 - Escalations from Programme Board or SRO – with a short paper for complex issues
 - Funding
 - Use of Contingency funding:
 - Resource Contingency
 - Assurance
 - Technical Troubleshooting
 - AOB.

5. Decisions

- 4.3. Any decisions shall be made by a simple majority of those present. The Chair shall have the casting vote if required.
- 4.4. Where required in order to maintain momentum, decisions may be made electronically with appropriate documentation.