

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 12 December 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.

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

5. We have published a further two quality assessment reports,¹ bringing the total published so far to eight. Seven relate to courses in business and management and one relates to courses in computing.
6. We are making progress with the assessment reports for the remaining three providers. Exempt from publication.
7. We have started work on using assessment reports in judgements about compliance with conditions of registration and whether further action should be taken. As part of our approach we are likely to meet with a provider to discuss its report and to provide an opportunity to feedback on the process.

Student outcomes

8. Exempt from publication.
9. Six investigations were opened but paused due to issues relating to the quality of data submitted by a provider and used to generate its B3 indicators. We expect to restart these investigations when the data issues are resolved, and other cases have been finalised.
10. We expect to select a further six providers for assessment in the 2023 cycle, using the criteria published in October 2023.² Selection decisions will be made when the remaining decisions on the cases currently under assessment have been communicated to providers.

Teaching Excellence Framework (TEF)

11. In late January, we completed the publication of outcomes from the TEF 2023 exercise. Published ratings and supporting information are available on the TEF website.³
12. For a majority of providers, we have also published summaries of the panel statements explaining the reasons for the ratings, alongside the submissions from providers and their students. We expect to publish the documents for the remaining providers during February and March 2024.
13. We are currently planning an evaluation of TEF 2023 to inform development of the next TEF exercise.

¹ See <https://www.officeforstudents.org.uk/advice-and-guidance/quality-and-standards/quality-assessments/assessment-reports/>

² See <https://www.officeforstudents.org.uk/publications/condition-b3-prioritised-categories-for-the-2023-24-assessment-cycle/>

³ See <https://tef2023.officeforstudents.org.uk/>

Our strategic goal is:

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

14. The investigations into the credibility of awards at three providers are continuing. **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

15. We launched two consultations on 14 December.⁴ One is on our proposed rules for the free speech complaints scheme and the other is on our proposed approach to regulating students' unions on free speech matters. These consultations will close on 10 and 17 March respectively.
16. We hope that splitting the consultations in this way will encourage a broad range of stakeholders, in particular students, to engage with the consultations and will reduce the perceived regulatory burden of OfS consultations by spreading response deadlines.
17. The consultations received positive press coverage and we continue to publicise them through all our communications channels. We have produced publicity materials to support providers and their student unions to publicise the consultations within their own organisations. We have scheduled six webinars, and two round-tables for sector group representatives, to provide stakeholders with an opportunity to discuss our proposals.⁵ These will take place in February and March.
18. We continue to undertake significant stakeholder engagement, including with UUK, AdvanceHE, AHUA and with academics in the UK and the US with expertise in free speech matters. We are continuing to engage with UUK on its members' response to free speech issues arising from ongoing events in the Middle East.
19. We sought information from providers in the Approved (fee cap) category of registration, about their students' unions. These are the students' unions that will be subject to regulation by the OfS on free speech matters and to the new free speech complaints scheme. The information we have received is helping us to build an understanding of the size and shape of students'

⁴ See <https://www.officeforstudents.org.uk/consultations-on-free-speech/>

⁵ See <https://www.officeforstudents.org.uk/news-blog-and-events/events/freedom-of-speech-consultation-webinars/>

unions across the sector. We have also used this information to contact students' unions directly, to introduce them to the OfS and to draw their attention to the consultations.

20. We are developing a third consultation on some of the key aspects of the new free speech duties for providers and students' unions, and the OfS's new duties and functions. We plan to launch this consultation in early Spring 2024, with a view to publishing outcomes before the new duties and functions come into force on 1 August 2024.

Investigations

21. The OfS's investigation into free speech matters at the University of Sussex is continuing.

Our strategic goal is:

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

Bidding competition for degree apprenticeship funding

22. We published the outcomes of wave 1 of applications for the degree apprenticeship fund on 17 January. We are considering applications for wave 2.⁶

Higher education short course trial

23. On 10 January we published the evaluation of the Higher education short course trial,⁷ together with a blog.⁸ We will continue to provide bursary support and engagement with providers through to the end of the pilot in August 2025.

NHS long term workforce plan

24. We received a guidance letter from the Minister of State for Health and Secondary Care on 14 December about the expansion of medical training places for the 2025-26 academic year.⁹ The letter confirmed additional funding to allow us to increase the maximum fundable limit for such students by 350 and asked us to develop a bidding process to allocate these numbers. We wrote to eligible providers on 11 January and interested providers have until 29 February to respond.

⁶ See <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/12-million-boost-for-degree-apprenticeships-to-increase-access-and-choice-for-students/>

⁷ See <https://www.officeforstudents.org.uk/publications/evaluation-of-the-higher-education-short-course-trial/>

⁸ See <https://www.officeforstudents.org.uk/news-blog-and-events/blog/trialling-the-design-and-delivery-of-higher-education-short-courses-what-have-we-learnt/>

⁹ See <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/guidance-from-government/>

Equality of opportunity

Our strategic goal is:

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

Equality of Opportunity Risk Register

25. The Equality of Opportunity Risk Register was updated in January to take account of additional evidence we have considered since the inception of the risk register, including relevant literature and extensive stakeholder engagement.¹⁰ The changes were announced on 18 January.¹¹ We plan to publish a summary of this evidence in March.

Uni Connect

26. The Higher Education Access Tracker (HEAT) conducted an independent analysis of the Uni Connect programme in November.¹² The HEAT analysis showed that:

- a. Almost half of the outreach activities between 2017-18 and 2022-23, recorded on HEAT were delivered by, or in partnership with, Uni Connect partnerships.
- b. Students who take part in an intensive package of Uni Connect activity consisting of at least eight contact hours are up to 21 per cent more likely to enter higher education than a similar group of students who took part in less than three hours of Uni Connect outreach.
- c. The higher education entry gap is particularly pronounced for further education learners who live in Uni Connect target areas; those in receipt of an intensive package of Uni Connect activity were more than twice as likely to enter higher education than a comparison group.

¹⁰ See <https://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/equality-of-opportunity-risk-register/>

¹¹ See <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/embedding-partnerships-john-blake-speaks-on-increasing-equality-of-opportunity-in-english-higher-education-through-collaboration/>

¹² See <https://heat.ac.uk/how-it-works/tracking-research-and-evidence/uni-connect-heat-hesa-track-impact-report>

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

27. Exempt from publication.

28. We received two new applications to register in December giving a total of 41 registration applications currently in progress. We have opened a further two quality and standards assessments for providers seeking registration, giving a current total of 13 open assessments.

29. We published updated [registration guidance](#) including information about the OfS's quality and standards assessment processes for registration on 15 December.¹³

Degree awarding powers (DAPs)

30. Since December 2023 we have opened a further four DAPs quality assessments. We remain on track to open up to 20 cases before the end of the business year. We have found that providers submitting applications are frequently not ready to meet planned deadlines for initial evidence submissions. Granting extensions to deadlines will affect our ability to meet hard deadlines associated with the completion of assessments before time-limited DAPs authorisations expire. We are likely to mitigate this by implementing temporary extensions to these authorisations to allow the full assessments to take place. This creates additional work for the OfS that would be avoided if all providers were ready for assessment.

Apprenticeship end-point assessments

31. We have commenced a third round of recruitment of apprenticeship assessors to expand our pool of 80 assessors. We have appointed assessment teams for the first five monitoring assessments and written to the providers to start the assessment process. We have scheduled a further seven monitoring assessments from the first tranche. We expect to conduct up to 50 monitoring assessments in our first year of activity.

Our strategic goal is:

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

32. Work is progressing towards publication of our response to, and decisions about, our consultation on regulating harassment and sexual misconduct. We are carefully considering the human rights and other implications of the proposal on relationships between staff and students. We are also testing our proposed definition of harassment to ensure it aligns with our emerging policy position on free speech.

¹³ See <https://www.officeforstudents.org.uk/publications/regulatory-notice-3-regulation-up-to-31-july-2019-of-providers-currently-designated-for-student-support-by-the-secretary-of-state/>

33. Exempt from publication.

34. We are drawing on the responses to the prevalence survey to inform decisions about future regulation.

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.

35. We have provided funding to Student Minds to support a rapid expansion of the University Mental Health Charter programme. Funding commences in February 2024 and will run to March 2025; we are working with Student Minds to announce this funding in the coming days.

36. Following the launch of the new Student Mental Health and Evidence hub on 19 October, the Centre for Transforming Access and Student Outcomes (TASO) has continued its work to disseminate and embed the hub in the sector, including online and face-to-face workshops across the country. This marks the completion of the OfS-funded project, and TASO will continue to promote the hub through its normal activity.

Enabling regulation

Our strategic goal is:

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

Financial sustainability

37. We are currently receiving annual financial returns covering the latest audited year ending in 2023, and forecasts to 2027-28, for the majority of providers. 195 providers from a total of 274 have signed off their data. Of the remaining 79, six missed their deadline, 11 have requested extensions and the rest have submission deadlines in the future.
38. We have begun to analyse this data and will undertake sensitivity modelling, including to inform our annual report on financial sustainability, which we expect to publish in May 2024. We will present emerging findings at sector-level at the board meeting.
39. The latest data will also feed our assessment of individual providers' financial viability and sustainability. We have observed an increase in the number of providers at increased risk of market exit and an increase in general intelligence about the financial challenges facing providers. We plan to highlight increasing risk and the importance of early mitigating action, and set out some practical considerations for providers thinking about transformation or mergers, alongside our annual report.

40. Exempt from publication.

41. Exempt from publication.

Protecting public funding

42. The NAO published its report 'Investigation into student finance for study at franchised higher education providers' on 18 January.¹⁴ I have been invited to give evidence to the Public Accounts Committee on 26 February, alongside the DfE Permanent Secretary and the chief executive of the Student Loans Company (SLC).
43. The NAO report includes a number of recommendations for the OfS and we have begun to address these, within the constraints of our legal powers and regulatory remit, and working with the DfE and SLC where appropriate. A paper discussing these issues in more detail is included in the papers for this board meeting.
44. During 2023, we increased monitoring requirements for lead and delivery providers that are heavily involved in subcontractual partnerships. We have also conducted data audits for some of these providers and engaged with accountable officers and chairs of governing bodies where audit findings have been of concern. We are considering whether further regulatory action is appropriate in a number of cases.

¹⁴ See <https://www.nao.org.uk/reports/investigation-into-student-finance-for-study-at-franchised-higher-education-providers/>

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

45. We continue to work towards publication of the outcomes of referrals to Trading Standards and to identify further cases that could be referred.

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

46. Since the last board meeting, we have continued to work closely with Jisc and providers to support the first collection of student data under Jisc's Data Futures programme. **Exempt from publication.**
47. By 12 January all 267 providers had signed off a 2022-23 Student data return to Jisc that is of sufficient quality to be used to operate the Graduate Outcomes and National Student Surveys.
48. The challenges experienced with the implementation of the 2022-23 data collection have created additional risks for the quality of data delivered by Jisc at the end of the process. Around 20 of the providers that signed off their data on or after 18 December will need to make data amendments to rectify data quality issues that remained unresolved at that point. We have put in place mitigations to ensure that, as far as possible, the data from all other providers is sufficiently robust for our purposes.
49. We are commissioning an independent review of the delivery of Jisc's Data Futures programme. The review will be conducted by an independent contractor, supported by a reference group that includes representatives from across the UK nations, programme funders, providers and other stakeholders.

Efficient and effective OfS

50. We are continuing to focus on engagement with the providers we regulate and have more than 30 visits to providers planned in the first few months of 2024. As of 8 February, we will have completed visits to 66 registered providers since the beginning of 2023. A list of visits since the board was last updated is at Annex A.

51. We are also running a series of events to increase understanding of our work across the sector, including:
- a. A general introduction to the OfS, for anybody working in the higher education sector. More than 1,000 people attended the event, and we have received positive feedback.
 - b. Our second in person introduction session for new accountable officers in February. This is aimed at new accountable officers to introduce them to our work and facilitate a positive relationship.
 - c. An event for chairs of governing bodies in February. This will provide an introduction to our work and the important role of governing bodies in the regulatory system.
52. We have improved the way we facilitate engagement with our consultations. Our two free speech consultations are presented on our website in a more interactive way to allow readers to access individual sections and consultation questions, rather than setting out proposals only in one large pdf document.¹⁵

¹⁵ See <https://www.officeforstudents.org.uk/consultations-on-free-speech/>

Annex A: Visits to registered providers

At the July 2023 board meeting we provided a list of visits completed up to that date. The table below lists providers visited as part of our engagement programme between July 2023 and 8 February 2024.

Colleagues have also visited providers outside of our engagement programme for a range of reasons and these visits are not listed below.

Provider name	Date	Visitor names exempt from publication
University of Sheffield	20 September 2023	
Cambridge Regional College	26 September 2023	
University of Greenwich	28 September 2023	
University of Bath	5 October 2023	
Le Cordon Bleu Limited	11 October 2023	
Courtauld Institute of Art	18 October 2023	
University of Birmingham	18 October 2023	
York St John University	18 October 2023	
Warwickshire College	25 October 2023	
Academy of Live Tech	31 October 2023	
University of Liverpool	2 November 2023	
Tyne Coast College	6 November 2023	
City of Sunderland College	7 November 2023	
Bedford College	8 November 2023	
City of Bristol College	8 November 2023	
Point Blank Limited	8 November 2023	
Loughborough University	9 November 2023	
The Royal Agricultural University	14 November 2023	
Heart of Worcestershire College	16 November 2023	
Plymouth University	17 November 2023	
University of Essex	17 November 2023	
London School of Education Management	21 November 2023	
Luminate Education Group	23 November 2023	
West Suffolk College	23 November 2023	
Guildhall School of Music and Drama	29 November 2023	
Leeds Conservatoire	29 November 2023	

Liverpool School of Tropical Medicine	29 November 2023
City College Norwich	8 January 2024
Sunderland University	8 January 2024
Newcastle University	9 January 2024
City, University of London	11 January 2024
The University of Bristol	17 January 2024
Leicester College	17 January 2024
Blackpool and the Fylde College	18 January 2024
Bath Spa University	24 January 2024
Bournemouth University Higher Education Corporation	24 January 2024
University of Brighton	25 January 2024
The London School of Economics and Political Science	25 January 2024
University of Bradford	29 January 2024
Falmouth University	30 January 2024
Bishop Burton College	31 January 2024
Brunel University London	5 February 2024
British Academy of Jewellery Limited	5 February 2024
Court Theatre Training Company Ltd	5 February 2024
Farnborough College of Technology	7 February 2024