



Championing a safe, healthy and inclusive higher education sector for students

Issue

1. This paper provides an update on the OfS's developing sector level work to champion a safe, healthy and inclusive HE sector for all students. Within this context, particular focus is given here to the scope of, and objectives for, sector level student mental health support.

Recommendations

2. The board is invited to:
 - a. Comment on the strategic objectives that will inform the development of sector level student wellbeing and mental health support by OfS
 - b. Agree the objectives for an innovation challenge fund (ICF) competition to support a step change in student mental health

Timing for decisions

3. Our business plan states we will develop and begin to implement an OfS approach to student welfare and wellbeing, including on mental health. The board's advice on scoping to inform further development is sought at this stage. The ICF is being launched in early October and a decision on the objectives of a competition to support student mental health is sought at this meeting.

Further information

4. Available from Yvonne Hawkins, Director for Teaching Excellence and Student Experience (yvonne.hawkins@officeforstudents.org.uk or 0117 931 7214), Kate McAlister (kate.mcalister@officeforstudents.org.uk or 0117 9317031) or Julia Moss (julia.moss@officeforstudents.org.uk or 0117 931 7054).

Background

5. In May 2018 the board was invited to consider OfS's role as a sector regulator, with student welfare and safeguarding used as a case study about how we might perform this function. It was noted that the Regulatory Framework states we will regulate at a sector-level to create the conditions for informed choice, competition, and continuous improvement.
6. As we regulate at sector-level we need to be clear which of our legal functions we are performing. HERA does not provide the OfS with a specific function that obviously relates to student welfare and safeguarding. Instead we are suggesting that we take a broad view of the following HERA function:
 - Section 23(1) allows the OfS to assess, or make arrangements for the assessment of, the quality of, and the standards applied to, higher education provided by English higher education providers. Here we would consider that the 'quality of higher education' includes the broader experiential aspects that include student welfare and wellbeing.
7. All students whether undergraduate or postgraduate, full-time or part-time, are entitled to enjoy a safe and positive experience in higher education. Wellbeing and safeguarding issues faced by students today cut across key themes such as states of mental ill-health, experiences of discrimination, harassment, hate crime, and cyberbullying. Stresses that are particularly prevalent in the student population include the significant transition point that entry to higher education represents, particularly for young people, and financial concerns. The board has agreed the OfS should play a role to promote practice that underpins a positive student experience and successful outcomes, not least because students tell us this matters to them
8. Student welfare and safeguarding is an area in which we are not directly regulating individual providers through baseline conditions for providers' welfare services. Instead our regulatory approach seeks to champion issues where there may be systemic issues or gaps in the HE system and the Regulatory Framework states that we will 'be unafraid to speak out on behalf of students.' In shining a strategic, sector-level spotlight on student welfare and safeguarding OfS can champion change where that is needed to ensure the best possible outcomes for students. However, having regard to the protection of institutional autonomy must remain at the heart of our approach and we will never prescribe how autonomous providers should act or what methods they should use. Instead, when the board discussed its sector regulatory role in May, it agreed OfS would use its position to champion, challenge and shape sector wide debate and focus, including through the identification and dissemination of best practice and 'what works' activity. OfS action at a sector level should be targeted to add value for the collective student interest and not duplicate or distort the strategic objectives or programmes of others.

Guiding principles

9. The principles the board has agreed should underpin how the OfS regulates at a sector level are:
- **Working collaboratively and in partnership** with key organisations and experts across the sector and Government
 - Developing an **evidence-led approach** to share effective practice, identify market failures and **support innovation** in the areas of greater risk and need
 - Having regard to the need to protect **institutional autonomy** and never being prescriptive about what responses individual providers should take
 - Ensuring our **work is informed by and co-produced with students and experts** and ensuring that we are focussing on the key issues
 - Taking an **inclusive and whole institution approach**, considering the full diversity of the student population
 - **Tackling issues at a system level** while ensuring responses are targeted and outcome-driven.
10. Applying these principles to student welfare and safeguarding necessitates working in partnership with a wide range of groups: providers; students; schools; employers; health care providers; government; charities; and other experts. This collaborative working should aim to: champion and shine a spotlight on systemic issues to raise their profile, including work that is already being carried out; identify any gaps in this response and/or the evidence-base; share evidence-led understanding of welfare and wellbeing issues in an HE context; and facilitate and catalyse change in the sector.
11. When focusing on student wellbeing and mental health OfS must take particular care to strike a balance between supporting a step change in terms of the sector's response, whilst not 'stepping in' at a provider level to cut across their autonomy and their relationship with individual students.

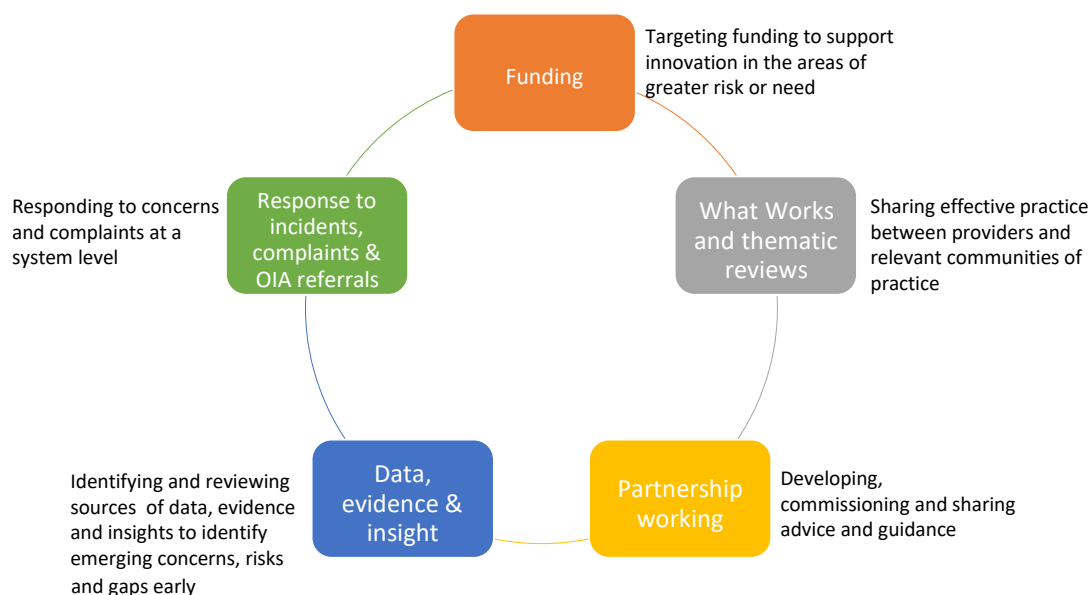
Legal context

12. Providers have a duty of care at common law to deliver educational and pastoral services to the standard of an ordinarily competent institution. Essentially, this requires providers to take reasonable steps to protect the health and safety and welfare of students in order to prevent harm occurring, where that harm is within their reasonable control and hence is not too remote (e.g. in the local night time economy). Further, providers have duties under health and safety legislation requiring them to conduct their undertakings in such a way as to ensure, so far as is

reasonably practicable, that students (and any other non-employees) who may be affected by it are not thereby exposed to risks to their health or safety¹. Also within the regulatory sphere, the Equalities Act 2010 designates some mental illnesses as having protected characteristics. Amongst all this regulation, there is no legal framework setting out what welfare provision in HE should look like in practice.

Regulatory tools at a sector level

13. Many providers in the sector are demonstrating their commitment to supporting the wellbeing of their students above and beyond their 'duty of care'. For example through investment in student support services, delivering safeguarding training to staff and students, and increasing understanding of issues such as mental ill-health through innovative approaches to the academic curriculum. There is however a diversity of responses to this broad area of work across the sector. In relation to student welfare and safeguarding UUK ('Changing the Culture' taskforce report (2016) and 'Changing the Culture: one year on' report (2018)) found success is still variable and active senior leadership is vital in how far institutions can progress with this agenda. Most recently regarding student mental health, UUK's 'StepChange Framework' (2017) calls on education leaders to make this a strategic priority and to implement whole-institution approaches. Securing a commitment from senior leaders in HE to adopt a strategic sector wide approach is considered vital. In this context, what tools are at OfS's disposal to develop a programme for championing a safe, healthy and inclusive HE sector for all students? We consider they are:



¹ Advance-HE's Getting to Grips with Guide for governors on student safeguarding – <https://www.lfhe.ac.uk/en/research-resources/publications-hub/index.cfm/G2GSafeguarding>

As noted in paragraph 3, when deploying these tools we should be guided by a set of principles that focus our efforts on where we can uniquely add value to make a positive impact on the student experience and outcomes.

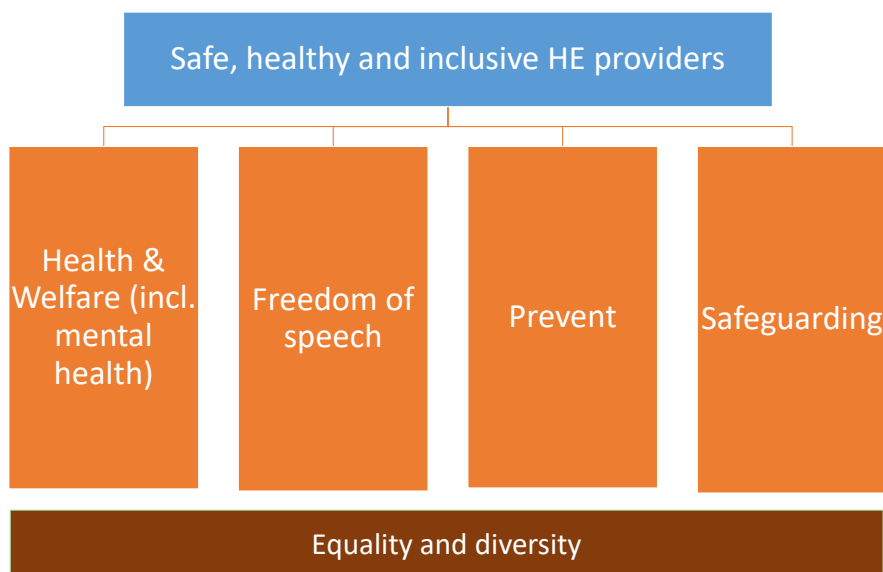
Discussion

OfS's role: Championing a safe, healthy and inclusive HE sector

14. HE providers have a unique position in English society in that they are educating nearly 50 per cent of young people; all students deserve to learn and live in a safe, healthy and inclusive HE environment. Securing such a student experience is not only of interest to all students but also their families, the wider public, the Government and OfS. At a sector level it is also noteworthy that HE providers employ nationally and internationally-leading academic experts in areas like public health, mental health, and wellbeing psychology and have the capacity to be national public health assets; the HE sector can lead the way for other sectors in research, innovation and effective practice.
15. The OfS, working with other relevant stakeholders and sector agencies, can create a long-term shared vision for health, inclusivity and safety in HE which will aim to deliver on our strategic intent that 'all students, from all backgrounds, with the ability and desire to undertake higher education, are supported to access, succeed in, and progress from higher education'. We regard the OfS's role as championing this aim through an over-arching framework for action which encompasses the intersecting issues of student health (including mental health), safeguarding, preventing students being drawn into extremism and ensuring freedom of speech on campus.

The diagram below sets out the different work strands in this area.

Championing a safe, healthy and inclusive higher education sector for all students



16. The interdependencies between health, inclusivity and safety are embedded and complex so need to be addressed with a holistic, systems based approach. We do however have a number of specific statutory duties and functions in relation to some of the above strands which will steer how we take forward our role in these areas. To name two here, we have specific statutory duties to act as the monitoring authority of the Prevent duty in the English higher education sector as set out in the Counter-Terrorism and Security Act 2015 (with the board agreeing a targeted monitoring framework at its May meeting). We also have responsibilities under the Public Sector Equality Duty (Equality Act 2010) which requires the OfS to have due regard to eliminating unlawful discrimination, foster good relations between different groups and take steps to advance equality of opportunity. As part of this, we have developed Equality and Diversity Objectives (agreed by the board in July) which aim, amongst other areas, to champion and encourage inclusive learning environments.
17. Underpinning all of the work strands above will be our role as a sector regulator: shining a spotlight on key issues through interventions across the sector as a whole, when and where we can add value and make a positive difference to the student experience and outcomes. Across all of the above strands providers are at different stages of developing their strategic response and OfS can help and support learning and evidence sharing to benefit the entire student body. As providers develop their strategic response, so OfS will continue to develop its sector level regulatory role.

OfS strategic objectives for wellbeing and mental health in the student population

18. There is currently a narrative of crisis in mental health, with student suicide numbers rising and the demand for and costs of student support services rising sharply (UUK StepChange 2018). In response, there is a prevalence of working groups and initiatives in this space. UUK's StepChange response is comprehensive and OfS would share its view that success in this sphere can support: a positive impact on students' experience, including improved retention, engagement, enhanced academic performance and increased satisfaction. OfS is a member of UUK's Mental Health in HE Advisory Group (Chaired by Professor Steve West) which aims to shape and support UUK's programme of work to improve mental health in universities following the launch of StepChange (the group held an initial meeting in May 2018).
19. Another response came in July 2018 when Student Minds announced the launch of a University Mental Health Charter. Backed by the Universities Minister, the Charter is intended to be a voluntary award and quality improvement scheme to recognise and reward universities that demonstrate good practice, make student and staff mental health a university-wide priority and deliver improved student mental health and wellbeing outcomes. The Charter's development will be led by Student Minds in a formative partnership with OfS, NUS, UUK and the UPP Foundation. A wider advisory group will be established this autumn to support this work. HEIs will be encouraged to achieve recognition for high standards of practice in areas established in UUK's StepChange framework, such as leadership, early intervention and prevention, data collection and high quality services.

20. Notwithstanding these two initiatives in which the opportunity to be a partner arose recently, OfS needs to navigate its way forward by reference to strategic objectives to ensure our limited resources are targeted and impactful. Thus far, this paper has explored:

WHY should OfS act to champion a safe, healthy and inclusive HE sector? Because it underpins a positive experience and successful outcomes for all students and they are telling us it matters to them. As the sector regulator we have a unique overview of the collective student interest and can develop an evidence-led approach to systemic issues.

HOW can we respond? By utilising the sector-level tools at our disposal (paragraph 13) to encourage inclusive and whole institutional approaches. Our guiding principles mean we will not prescribe the response of individual providers in their context, working with their students.

WHO needs to act? OfS in partnership with students, providers and many others (paragraph 10) to ensure the response is informed by this interaction.

21. The next sections of this paper explore the question: WHAT should OfS do to support wellbeing and mental health in the student population?

22. To help answer this question, we have identified three strategic objectives for the OfS to support mental health in the student population, with a range of activities that flow from them.

a. **Ensuring that policy and practice is informed by robust evidence to underpin the best mental health outcomes for students** by working with partners to:

- i. identify and disseminate best practice
- ii. identify what data is available/necessary to be able to track progress
- iii. develop tools for more effective evaluation of interventions
- iv. commission research specifically on issues relating to the student population and mental health where gaps are identified
- v. deliver research to understand the intersecting issues of student health (including mental health), safeguarding, preventing students being drawn into terrorism, ensuring freedom of speech on campus, and identify opportunities to address them in a cohesive way

b. **Shining a spotlight on systemic issues**, and working collaboratively with partners to address them to:

- i. better understand the issues facing students through their transition from schools and further education to higher education and seek to ensure that students are supported appropriately

- ii. better understand the issues associated with the transient experience of those students who move between a place of study and 'home', and engage in the development of policy that ensures continuous support and care
 - iii. ensure that institutional provision is developed and enhanced on the basis of robust evidence of 'what works' and models of effective practice to ensure that the mental health needs of students are met
 - iv. encourage institutions, through new access and participation effective practice guidance, to address any deficits in institutional provision for the mental health needs of their students, particularly those students from underrepresented groups, in their access and participation plans
 - v. ensure HE providers, in collaboration with health providers, have fit for purpose suicide 'prevention and post-vention' support mechanisms in place.
- c. **Celebrating the positive contribution HE makes to wellbeing and mental health**, with partners to:
- i. promote commitment from senior leaders across the HE sector to make student wellbeing and mental health a strategic priority, implementing a response through a whole institutional approach
 - ii. ensure HE is provided within inclusive cultures, and seen to be by the public, and in particular by current and potential students
 - iii. demonstrate how HE providers can drive an increase in mental health literacy.

Further work is needed to refine these objectives, and significantly, a subpanel of the student panel in collaboration with sector representatives and mental health experts will be engaged in this over the coming months. Our active partnership working with UUK and Student Minds outlined above will be another opportunity to test and refine these objectives with a wider group of expert advisers.

Recommendation: The board is invited to comment on these strategic objectives.

What are we going to deliver and how we will know if we have been successful?

23. Utilising the principles in paragraph 9 and the draft strategic objectives above, the following programme of activity is under development. Some elements are underway, others are being scoped. The key again is to focus on where our unique sector-level 'helicopter' view can make a distinctive, positive difference by: championing student wellbeing and mental health as a priority for the sector; and supporting a step change in provider-level behaviours and responses.

Objective	What we will deliver and outputs	Success measure
1. Develop and launch a student mental health Innovation Challenge Fund Competition	A staged competition that will challenge providers to deliver a step change in their approaches to student mental health. To drive positive change across the sector there will be a pre-condition to bidders proceeding beyond the expression of interest stage, namely: evidence of a strategic approach to mental health which is clearly underpinned by active and effective leadership and governance.	More stretching and/or innovative approaches to student wellbeing & mental health will be in place. The whole sector will learn from these evolving approaches/mechanisms. Student retention and success will be positively impacted.
2. Develop, refine and interrogate the evidence and data around student mental health	Data and evidence will be used to identify gaps, priorities, risks, opportunities and areas of greatest need.	Provider strategies will have a whole organisational focus, built on best evidence. Sound evidence-base for OfS's developing strategic objectives/programme of sector-level support.
3. Provide funding for the <i>Suicide Safer Universities Guide</i>	<p>Guide was developed by UUK working in partnership with the suicide prevention charity Papyrus. OfS a member of the steering group.</p> <p>Guide was launched in early September 2018.</p>	The guide is promoted and adopted by all HE providers in the UK. Senior leaders are committed to ensuring that the guide and advice is cascaded throughout their organisations.
4. Supporting and learning from the evaluation of the 17 postgraduate research (PGR) student mental health funded projects led by Research England (initiated by the Catalyst Fund)	An evaluation will be carried out of catalyst funded PGR student mental health projects.	<p>Evidence, learning and good practice will be disseminated widely to providers in developing whole institutional strategies.</p> <p>A 'tool-kit repository' developed for the whole sector (initially populated by the evidence from the 119</p>

		safeguarding catalyst projects and the PGR projects).
5. Develop an approach to what works/effective practice across the wellbeing/safeguarding work strands. Ensure this is integrated into the development of OfS's approach to Access & Participation	<p>Approach will be developed in collaboration taking into consideration different needs of a diverse sector.</p> <p>The Evidence and Impact Exchange will be commissioned to provide evidence of what works, providing tools to enable the adoption of effective practice across the sector.</p> <p>New access and participation effective practice guidance will encourage institutions to address the mental health needs of their students, particularly those students from underrepresented groups, in their access and participation plans.</p>	<p>APPs become an additional, effective lever to encourage whole institutional strategies for safe, healthy and inclusive HE environments that support a positive student experience and successful outcomes.</p> <p>An approach is developed based on clear evidence of what works, which can help support whole institutional strategic responses.</p> <p>A 'tool-kit repository' developed for the whole sector (see above).</p>
6. Partnership working with the purpose of advocating for the student interest across Government and the HE sector	Effectively brokering partnerships, projects and research to improve outcomes for student wellbeing and mental health. OfS membership of UUK's Mental Health in HE Advisory Group and the partnership with Student Minds to develop a University Mental Health Charter are two early examples.	The work in this area is joined up and benefits the student population.
7. Promote and encourage commitments from senior leaders across the higher education sector to give strategic priority to student	<p>Work with key partners to develop and deliver a Mental Health Charter and promote its adoption thereafter.</p> <p>The 'real-time' learning from the ICF student mental health</p>	Providers sign up to the charter, driving a positive and successful student experience.

wellbeing and mental health	competition feeds into the development of the Charter.	
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Innovation Challenge Fund

24. UUK's StepChange Framework aims to enable providers to adopt a strategic, evidence-based approach to mental health and OfS can, through the programme of activity outlined above, encourage all providers to establish their own institutional base-line and action plan to develop a whole institutional strategic approach. Ensuring there is a joined-up approach across services and sectors to support the whole student journey is not something individual providers working alone can achieve: the challenge of connectivity across education, health and third sector environments, compounded by the complexity of the student journey is significant. An ICF competition to support a step change in student mental health can provide the sector with an incentive, the aim of which is to provide benefit for the whole student population.
25. We plan for this competition to 'go-live' in early October when the ICF launches. The competition will challenge providers to stretch themselves to innovate, take managed risks, and drive a step change in mental health support for students. In recognition that this requires connectivity to other sectors and services the competition will facilitate collaborative partnerships between HE, schools, health providers and other stakeholders.
26. The competition will take the form of: expressions of interest with a 'pre-condition test' that must be met before a bid can proceed any further; invitation to a workshop to test the bid further; selected participants invited to submit full bids; final awards determined by an expert panel. The 'pre-condition test' is that the provider's expression of interest must contain evidence of a strategic approach to mental health which is clearly underpinned by active and effective leadership and governance. This is designed to send a clear signal that leadership commitment is essential and that we expect it to have already led the provider to have resources and approaches in place to deliver their duty of care and other legal obligations. The competition is not designed to fund 'starting to get to grips with this difficult agenda' type of activity; its aim is to challenge providers to achieve a step change above and beyond their existing commitments. There will be an expectation that existing provider approaches will already have some reporting mechanisms in place to test if they are achieving their objectives, and hence provide a baseline against which to pilot further stretch/innovation. All successful applicants will be expected to sign up to the new mental health charter.
27. The competition will invite bids that focus on a step change in one or more of the following areas:
- Proactive protection** – for example through a focus on **transition periods** (either from school or college to HE; or through a focus on susceptible or vulnerable groups; or transition to employment); or **early intervention** programmes (for example awareness raising/reducing stigma; providing mental health literacy training to staff and students).

A step change in support - for example by developing an integrated approach of provider level support services with those of local primary care and mental health services; or by addressing barriers to accessing support across services/sectors.

Themes within this framework will include:

- Working in strategic partnership with other services and sectors to address geographical issues of connectivity and complexity
- Taking a whole institution approach
- Student engagement
- Evaluation and impact
- Commitment to be part of funded network/community of practice.

28. We propose that the total funding available for this competition will be £6 million and will look to fund a small number of proposals that can meet the objectives of the competition.

29. As part of risk sharing and to evidence clear commitment to this important area of student support, bidders must provide one to one match funding against the proposed ICF contribution.

30. Due to the phasing of this competition the following timetable is proposed:

Activity	Mental health indicative date
Publish Call	First week of October 2018
Deadline for Expressions of Interest (EOIs)	29 October
EOI outcomes published	Wednesday 14 November
Workshop to develop and test the bids	W/C 3 December
Invite full proposals	Thursday 13 December
Submission of full proposals	31 January 2019
Expert panel recommends awards	W/C 11 March 2019
Outcomes published	W/C 18 March
Projects formally start	April 2019
Launch event	May 2019
Programme conference 1	May/June 2020
End of programme event	July 2021

31. Whilst it is the expectation that providers will evaluate their own work there will also be a strand in this competition which will focus on an overall evaluation of the awards.

Resource implications

32. An interim Student Welfare and Safeguarding team located within the Teaching Excellence and Student Experience directorate has been in operation since April to scope out this new area of work and to continue to deliver ongoing commitments in relation to Prevent and wider safeguarding work. Once the organisational development work is completed a small core team supported by an agile resource unit will be in place to develop and implement our work in this area.

Communications and engagement

33. A comprehensive communications strategy is under development for this area of work; this includes dedicated OfS webpages, and a publication timetable for key activities and reports including the Student Mental Health ICF competition.

Governance and management

34. We propose that the board is formally kept informed of the development and progress of work in this area through the Chief Executive's regular report to each of its meetings.