



A new approach to regulating access and participation

Issue

1. Our new outcomes-based approach to regulating access and participation.

Recommendations

2. The board is invited to:
 - a. **Note** the outcomes of the consultation on access and participation.
 - b. **Advise** on the proposed changes to the regulation of individual HE providers through access and participation plans so that our regulation is more outcomes-focused and risk-based.
 - c. **Note** that the final regulatory guidance on reformed access and participation plans will be approved by the Director for Fair Access and Participation under delegated authority.
 - d. **Agree** in principle to set aside £60 million per year in the 2019-20 and 2020-21 academic years to support collaboration between HE providers and with schools and colleges through a reformed second phase of the National Collaborative Outreach Programme (NCOP).
 - e. **Note** the Evidence and Impact strategy we have developed to underpin our access and participation work.
 - f. **Advise** on the key performance measures we have suggested for our access and participation work.
 - g. **Advise** on how we should seek to influence and negotiate with providers on their access and participation plan targets.

Timing for decisions

3. Decisions are required at this meeting to enable swift implementation of the reform programme. Should our proposals be approved, we will act quickly to communicate those decisions so that providers are able to start planning the development of their access and participation plans in advance of the detailed guidance we will provide at the end of February 2019. It will also enable us to provide certainty to the NCOP partnerships in respect of continuation of funding, which is crucial for the retention of staff employed on the programme.

Further information

4. Available from Chris Millward (chris.millward@officeforstudents.org.uk, 0117 931 7448), Sarah Howls (sarah.howls@officeforstudents.org.uk, 0117 931 7073), Chris Scrase (chris.scrase@officeforstudents.org.uk, 0117 931 7053) or Jessica Woodsford (jessica.woodsford@officeforstudents.org.uk, 0117 931 7216).

5. The board paper includes four annexes:

- Annex A: Our draft consultation outcomes report, which we will publish in December 2018.
- Annex B: Our proposals for the National Collaborative Outreach Programme.
- Annex C: Our evidence and impact strategy for access and participation.
- Annex D: Our proposals for the development of our targets in relation to the first five of our key performance measures, which we published in September 2018¹.

The full report on the consultation analysis and any individual consultation responses can also be made available to board members on request.

6. In making available these papers, our intention is to give members full access to the evidence underpinning our proposals. However, we have taken into account the feedback in the board effectiveness review about the length of papers and do not necessarily expect members to read the annexes in advance of the meeting.

¹ <https://www.officeforstudents.org.uk/about/measures-of-our-success/participation-performance-measures/>

Background

7. Our work on access and participation is underpinned by the general duties under section 2 of the Higher Education and Research Act 2017 (HERA), including the duty for the OfS to have regard to the need to promote equality of opportunity in connection with access to and participation in higher education.

8. It is delivered through specific functions to apply a transparency condition (s.9), to approve access and participation plans (s.29), to provide advice on good practice (s.35) and to make grants to registered HE providers (s.39).

9. It crucially supports the first OfS regulatory objective, which is to ensure 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.' In relation to this, the board noted at its meeting in January 2018 that:

'higher education has enabled absolute, but not relative social mobility during the last two decades. It has increased opportunity, but not secured equality of opportunity, and this extends through all stages of the student lifecycle, including transition into work. In this context, the imperative as we move into a new regulatory regime is to address the sustained gaps in access between disadvantaged and other groups, whilst giving more focus to addressing gaps in attainment within and progression from higher education for students from disadvantaged backgrounds, students from ethnic minority groups and disabled students'. (Paper Bd-2018-Jan-4.1)

10. The foreword to the Regulatory Framework, published in February 2018, sets the ambition for our work in this area:

'Our regulatory framework enables the Director for Fair Access and Participation to develop a bold new approach to supporting social mobility, and equality and diversity, through higher education. The new framework equips us to deploy a powerful set of regulatory levers, not only to improve access to higher education, but also reduce the gaps in continuation, attainment and progression that are currently experienced by different groups of students. ... We will be radical and ambitious to make sure we deliver on the promise of higher education as an engine for social mobility, and a gateway to a better life for those who undertake it.'

11. The Regulatory Framework identifies that market forces alone will not achieve the OfS's ambitions in relation to access and participation, so unlike in other areas OfS will regulate individual providers to secure continuous improvement. It establishes the approval of an access and participation plan as the first condition of registration (Condition A1) for a provider intending to charge fees above the basic amount and it establishes a requirement for transparency information (Condition F1) on admissions and student outcomes split by student characteristics. It also identifies that OfS teaching grant will be 'used to support access, success and progression for students from disadvantaged backgrounds and underrepresented groups where additional funding is needed to build on provider level regulation, for example to support collaboration'. The reform proposals in this paper are intended to improve the delivery of these elements of the Regulatory Framework, including by enhancing the application of the principles identified for OfS provider level

and sector level regulation, such as proportionality and targeting, the use of indicators and the involvement of students.

12. In our first regulatory notice on access and participation plans (RN1) in February 2018, we signalled a greater focus on outcomes, on success and progression as well as access, and the introduction of a broader range of powers than the previous regulatory regime. We also stated that:

‘During 2018, we will conduct a strategic assessment of our approach to access and participation, including the access and participation plans, and consider further reforms to be implemented from the 2020-21 plans onwards... a key concern will be to determine how we can best regulate access and participation plans in a manner that is consistent with the OfS’s broader commitment to outcomes focused, proportionate and risk-based regulation of higher education providers.’

13. This is also reflected in our strategy² and business plan³, which we published in April 2018. The business plan identifies the following strategic outcomes and activities for the current year, all of which are addressed in this paper.

| Strategic Outcomes | Headline Activities 18-19 | Detail on Outputs and Activities 18-19 |
|---|---|---|
| P1 Access, success and progression are not limited by background and identity, and gaps are significantly reduced | P1.1 Develop and implement access and participation plans and statements and their relationship with OfS registration | <ul style="list-style-type: none"> • Implement first round of access and participation plans using interim approach <ul style="list-style-type: none"> - Publish first access and participation plan and statement guidance in February 18 - Assess first access and participation plans from April 18, to inform the 19-20 admissions cycle beginning in autumn 18 • Develop a new, outcomes-focused approach to access and participation plans and statements by November 18, and implement this approach through new guidance by February 19 (P2.1) <ul style="list-style-type: none"> - Set targets for the OfS and the sector on access and participation by November - Evaluate the return on investment on access and participation investments and OfS evaluation and impact work |
| | P1.2 Distribute and reform funding to support social mobility and equity through higher education | <ul style="list-style-type: none"> • Distribute A&P funding during the transition year, including NCOP and student-based funding streams • Reform funding streams to align them with OfS strategic approach to supporting social mobility and equity through higher education (P2.1) <ul style="list-style-type: none"> - Decide future approach to NCOP and student-based funding streams, to inform funding decisions for 2019-20 onwards and to align with 2020-21 access and participation plans |

² <https://www.officeforstudents.org.uk/publications/office-for-students-strategy-2018-to-2021/>

³ <https://www.officeforstudents.org.uk/publications/office-for-students-business-plan-2018-19/>

| | | |
|--|---|---|
| P2 All access and participation activity is underpinned by evidence and 'what works' | P2.1 Develop and begin to implement evidence and impact strategy for access and participation | <ul style="list-style-type: none"> • Develop evaluation and impact strategy by November 18 (P1.1) • Monitor existing access agreements and student premium funding commitments • Launch Evidence & Impact Exchange in spring 19 (P1.1) |
| | P2.3 Increase transparency in relation to access and participation | <ul style="list-style-type: none"> • Issue first transparency data guidance in February 18 for data from August 19 • Develop further reforms to extend the scope of transparency data to include a wider range of student characteristics in November 18 and implement through new guidance by February 19 for data from April 21 |

14. The board agreed in July 2018 five key performance measures (KPM's) to help us demonstrate progress against the strategic outcomes. The five KPM's are concerned with the extent to which there is a reduction or eradication of the gaps in:

- a. Participation between most and least represented groups (KPM 1).
- b. Participation at higher-tariff providers between the most and least represented groups (KPM 2).
- c. Non-continuation between most and least represented groups (KPM 3).
- d. Degree outcomes (1sts or 2:1s) between white students and black students (KPM 4).
- e. Degree outcomes (1sts or 2:1s) between disabled students and non-disabled students (KPM 5).

15. In framing our reforms and establishing our goals, we need to take into account wider factors that could affect provider and student behaviour. These factors include changes to: curricula, assessment, governance and performance in schools and colleges; the graduate labour market and the wider economy, locally and nationally; and most immediately government policy in relation to higher education fees and funding.

16. We currently expect that the independent review of post-18 education and funding, led by Philip Augar, will publish its report in early 2019, before the Government concludes the overall review. Regardless of any changes that may arise from the Augar review, we believe that the HERA, the Regulatory Framework and the OfS Strategy provide an imperative for OfS to promote equality of opportunity in relation to access and participation, and to deliver the OfS access and participation functions. In order to meet these expectations, we believe that OfS will need to conduct outcomes-based regulation of individual HE providers and to support collaboration between them, indeed there may be a greater imperative for this approach if the review leads to a more constrained environment for provider investment in access and participation.

17. We will, though, need to acknowledge the potential impact of the Augar review findings for HE providers' work on access and participation when we announce our position following the board meeting and publish our detailed guidance in spring 2019. We may also need to enable resubmission of plans once the government has announced its position in response to the review. We are engaging directly with the Augar review team and DfE colleagues on the calibration

between our reforms and the review findings, on the basis of which we believe that we should proceed with the proposals in this paper. We have decided, though, that we should defer the setting of our ambition for KPM 1, which is concerned with participation between most and least represented groups across the sector as a whole, as this could be profoundly affected by the government's response to the review.

Discussion

18. This paper sets out our proposals for delivering on our ambitions and commitments in relation to access and participation through:

- a. A more outcomes and risk-based approach to regulating individual providers through access and participation plans.
- b. A collaborative infrastructure underpinning provider-level activity through targeted and coherent outreach in local areas across all parts of the country.
- c. A comprehensive evidence and impact strategy, including robust and transparent data to measure provider and sector performance by demonstrating the gaps in access, success and progression between students from underrepresented groups and other students.
- d. Developing targets in relation to the OfS's five key performance measures relating to gaps in access and participation.

19. The OfS is able to apply a wider range of regulatory levers to the pursuit of its access and participation goals than its predecessor bodies. This includes using funding and data strategically to align with and support activity secured through access and participation plans, and aligning the regulation of quality and student outcomes with access regulation. This combination of regulatory oversight with targeted funding and data transparency provides the tools needed to drive the step change we are seeking for equality of opportunity in relation to access and participation for underrepresented students. Our ambition is to shift from the incremental improvements we have seen to date to more rapid, transformational change across the student lifecycle. Our reforms are focussed, therefore, on how we can achieve this in a way that is consistent with our wider regulatory approach, namely outcomes-based, risk-based, underpinned by evidence and joined up with other regulatory activities.

20. Our approach combines:

- a. Intelligent regulation to set expectations for providers.
- b. Sector-wide advice on good practice in meeting those expectations.
- c. Allocating strategic funding to secure collaboration, build networks and drive innovation
- d. Engaging stakeholders to embed change in providers.
- e. Improving OfS activity to embed change across the organisation.

21. Between May and October 2018, we have conducted an extensive review of our approach to access and participation, including a formal consultation on our proposed reforms. Our review has drawn on:

- a. Significant engagement with external stakeholders, including student groups, providers, representative bodies, schools and colleges, other government agencies, employers and the third sector through meetings, roundtables and workshops.

- b. A stakeholder survey.
- c. A formal consultation.
- d. Evidence from the evaluation and monitoring of the NCOP.
- e. Other relevant research and evaluation.

22. In setting out our reforms, we focus on the four core areas identified in paragraph 18 through which we can drive progress and achieve the desired reductions to gaps in access, success and progression, together with the KPM's we are proposing to determine whether we are successful. Further detail on each area can be found in Annexes A to D to this paper.

Regulation of individual providers

23. Access and participation plans are the main regulatory lever we have for driving improvements in access and participation. Our consultation in autumn 2018 proposed the following reforms to access and participation plans:

- a. The OfS will place the approval of access and participation plans onto a more strategic timescale, with the number of years during which a plan may be in force to be based on risk. This would be enforced from the next set of access and participation plans, which will cover the academic years 2020-21 to 2024-25.
- b. Providers will be expected to publish and submit to the OfS an impact report each year accompanied by an action plan setting out any steps that need to be taken to make improvements to their current plan. Financial information will be collected through the financial returns submitted by providers as part of monitoring of the ongoing condition of registration on financial viability and sustainability.
- c. Providers will be expected to set a small number of outcomes-focused targets to capture the impact of their work. Some of these will be recommended by the OfS, aligning with our own KPM's and targets the OfS has set for the sector.
- d. We will collect predicted access expenditure and on the financial support providers give to students, but we will not collect expenditure on student success and progression as this is embedded within overall teaching investment and there are other regulatory incentives such as TEF to drive activity in this area.
- e. We will not set a minimum expected level of expenditure. Our focus will be on the outcomes that providers achieve and the level of the ambition they set, rather than inputs in the form of investment. Our interest in investment will focus on whether we believe a provider's plan to be credible given the level of intended investment.
- f. We will create, publish and maintain an access and participation dataset. This will provide a sector level picture of the gaps in access and participation across the student lifecycle, as well as enabling an assessment of the performance of individual providers.
- g. We will undertake further work to explore expanding the transparency information condition to include age and disability⁴.

24. The consultation analysis, which was commissioned from an independent organisation and verified by OfS staff, concludes that:

⁴ Note that any changes to the transparency condition or any of the other ongoing conditions of registration would require a section 75 consultation.

‘Overall there is broad support for all seven of the proposals put forward by the OfS in the consultation. There is a widespread perception that, together, the proposals will form the basis of an approach that will support the sector to take a more strategic, long-term view which meets the needs of current and potential students at each stage of the lifecycle.’

25. Responses to the consultation were broadly supportive of our proposals, but some concerns were raised, notably:

- a. Moving to five year plans may result in less engagement with access and participation from providers.
 - i. We will address this through a dynamic approach to analysing data and monitoring during the period of a plan, together with our good practice work.
- b. There is a need for OfS to be clear and rigorous in how it identifies and monitors ‘high risk’ providers, and to take context into account.
 - i. We will address this in our consultation response by making clear that we will make a holistic judgement of risk, not giving undue consideration to a specific target or activity, but focusing particularly on the size of the gaps in each provider in relation to access, success and progression, the rate of progress in reducing these gaps, and the credibility of the provider’s plan to reduce them.
- c. There is some uncertainty about the overall impact of the proposals on burden for HE providers, particularly for smaller or specialist providers.
 - i. We will address this by conducting a risk assessment of each HE provider in relation to Condition A1, targeting our monitoring engagement with them on the basis of this so that it reduces for lower risk providers, and updating our approach in light of updated data and insights during the period of plans. We will work collectively with smaller or specialist providers to support their use of evidence and evaluation, and consider how our requirements can be made proportionate to their size and the risk to our overall goals for access and participation. We have also made amendments to our monitoring requirements in relation to evaluation.
- d. Alongside common data and targets, there is a need for providers to be able to set targets specific to their own context to enable them to demonstrate progress relative to their organisation, and to use different measures if they are not appropriate to their context.
 - i. We will address this by expecting providers to set targets both in areas defined by OfS, which are linked to our KPM’s and derived from our access and participation data-set, and in areas providers define themselves. We will also publish a wide range of measures through the access and participation data-set.
- e. There is a need for contextualisation of published spending data to ensure it is not misunderstood and misused.
 - i. We will address this by taking an active approach to explaining the data in access and participation plans, including by linking through to providers’ own plans, which explain their investment in context.
- f. A focus on outcomes, rather than setting minimum spending expectations, may be insufficient to secure the necessary investment to drive progress.
 - i. We believe that our access and participation regulation, together with other measures such as our regulation of quality and TEF, will serve as strong drivers in this area and that we should focus on outcomes rather than inputs in order to be consistent with the regulatory framework. We will, though, make an assessment of investment levels as part of our judgement of the credibility of plans, and we may

apply additional requirements in this area to providers who we consider to be high risk.

- g. The processes proposed for impact reports and monitoring will not be effective for engaging students.
 - i. This is important to us, so we will undertake further work to understand how students can be engaged with the access and participation plan process and our monitoring of providers in a more meaningful way.
- h. HE providers need more time to prepare their plans if they are to cover a longer period.
 - i. We have engaged with providers with early application deadlines to determine how late they could receive an access and participation plan decision and we are scheduling a longer timescale for preparation of plans, with decisions for early recruiters to be made by August.

26. Our draft response to the consultation is provided in Annex A to this paper. The full report on the consultation analysis and any individual consultation responses can be made available to board members on request.

Recommendation: The board is invited to:

- a. **Note** the outcomes of the consultation on access and participation.
- b. **Advise** on the proposed changes to the regulation of individual HE providers through access and participation plans.
- c. **Note** that the final regulatory guidance on reformed access and participation plans will be approved by the Director for Fair Access and Participation under delegated authority.

Sector-wide support

27. Young people who live in the geographic areas of England with the highest rates of participation in higher education are around three times more likely to enter higher education than those who live in the areas with the lowest rates of participation². The Secretary of State for Education's guidance letter to the OfS (February 2018)⁵ recognised that 'there is a place-element to social mobility, as there are parts of the country that do not offer adequate opportunity for our young people. Government is keen that the HE sector plays its role alongside Government, employers and the third sector to tackle the barriers to opportunity and ensure that all young people have equal opportunity. This means looking harder at those areas that face the greatest disadvantage'.

28. In our consultation on our approach to access and participation, we proposed that our approach to access and participation funding should be underpinned by the following principles:

- a. The funding we deliver should link directly to the outcomes we wish to achieve.
- b. Our decisions in respect of how we use our funding are made by having regard to our general duties.
- c. Our funding should be focussed and targeted.

⁵ See <https://www.officeforstudents.org.uk/media/1112/access-and-participation-guidance.pdf>

- d. Our funding should add value to the investment that providers make to support successful outcomes for students from underrepresented groups, and should support activity that otherwise would not take place.
- e. Our funding should support activity that delivers sector-wide benefits for students and addresses access and participation objectives which might not be delivered by the market alone.
- f. Our deployment of funds should be evidence-led.
- g. The impact and effectiveness of our funds should be evidenced to a level consistent with HM Treasury guidance.

29. There was overwhelming agreement to these principles in the consultation responses, with some respondents suggesting specific reference to collaboration and partnership in the context of principle d.

30. The National Collaborative Outreach Programme (NCOP) has been running since January 2017, supporting 29 partnerships of universities, colleges, schools and other local agencies to deliver sustained and progressive programmes of targeted higher education outreach with young people in Years 9 to 13. In doing so, it aims to increase rapidly the number of young people from underrepresented groups who go into higher education, but it has also provided an infrastructure for HE providers to work collaboratively in local areas, providing coherence and clarity for schools and students and responding to local priorities. The NCOP provides a route through which schools and colleges can access impartial outreach and information, advice and guidance (IAG), without issues of competition acting as a barrier. Schools have reported that they find it complicated to navigate the different outreach offerings available from a range of providers. They have also told us that they find that the NCOP adds most value where it integrates with the curriculum, current parental engagement and/or careers work.

31. The establishment of NCOP marked a shift in approach from formula funding to a targeted programme to ensure that funds were focused on achieving the goals of government and students, rather than providers. Based on our monitoring, we believe that the partnerships, having set up their programmes and with their full complement of staff, are now able to meet their learner engagement targets within a smaller overall budget, and to expand into broader work to meet our ambitions. Therefore, they are in a position to deliver more in phase two within the existing funding level of £60m per year. Our proposals for how they will do this through the development of outreach hubs, and joined up careers advice, are set out below.

32. The NCOP was designed as a four year programme, with a break point anticipating the shift in oversight from HEFCE to OfS, and the likelihood that activity would need to be re-calibrated to reflect new duties. With this in mind, we have conducted a review of the programme, drawing on a national impact and formative evaluation led by CFE Research, stakeholder engagement and monitoring reports from the NCOP consortia. A 12-month report covering the externally commissioned evaluations by CFE Research was published in March 2018⁶. It is too early to evidence the causal impact of the programme in terms of which interventions have the most impact on students progressing to higher education. However, the researchers draw out key themes relating to NCOP consortia, school and college engagement, evaluating NCOP at a local and national level, and NCOP learner perceptions of higher education.

⁶ http://cfe.org.uk/app/uploads/2018/08/2018_ncopyear1.pdf

33. Details of our proposals for the next phase of NCOP and the evidence we have gathered through the review to support them are in Annex B to this paper. In broad terms, we propose to continue to support the consortia, but to re-balance their activity so that they provide a collaborative infrastructure that will more clearly support the work we are securing from individual providers through the access and participation plans, and thereby provide a more coherent route into HE outreach for students, schools and colleges, employers and local agencies in each area. In doing so, we will be having regard to the benefits to students and employers resulting from collaboration between providers, as identified in the OfS general duties.

34. As part of this we will set clear expectations that the proposed outreach hubs adopt and adapt models of strategic collaborative activity which have begun to develop within the NCOP. We will particularly focus on rolling out the model developed by the North East Collaborative Outreach Programme (NECOP), which is concerned with joined up careers advice. This partnership has helped to establish cross organisational collaboration between NECOP, the North East LEP, the CBI, Edge Foundation and several schools in the region through the Next Generation Learning pilot. This focuses on Gatsby Benchmark 4: 'careers in the curriculum' through improving teachers' and young people's understanding of job opportunities in the region through project-based learning and the skills required to support the Regional Skills Strategy.

35. In order to deliver this we propose, in principle, to:

- a. Provide funding for the continuation of the NCOP for academic years 2019-20 and 2020-21 at £60 million per year.
- b. Commission partnerships to continue to deliver sustained and progressive programmes of outreach targeting around 100,000 young people (per annum) in years 9 to 13 who live in areas where higher education participation is low and lower than might be expected given local GCSE results, thereby targeting the areas where the potential for improve higher education participation is greatest.
- c. Use £10 million per year within this allocation to provide infrastructure support to establish 'outreach hubs' within the 29 local partnerships, which between them will provide coverage for every local authority in England. These 'hubs' will be based on the existing NCOP consortia, subject to brokering of some changes to boundaries where we have identified that coverage could be improved. In addition to delivering outreach, these 'hubs' will help teachers and advisors find out about the outreach activity available in their area; proactively support schools and colleges in areas of low participation to access higher education outreach; and provide a platform for other local collaborative activity.

36. We will ask the board to confirm this investment (which represents a little over 4 per cent of our recurrent grant budget for 2018-19) in March 2019, when it sets all budgets following notification of the overall funding available to us from financial year 2019-20 in the government's forthcoming strategic guidance letter. However, we think it is important to make an in-principle decision now as it is a central element of our overall strategy. We need also to provide clarity for partnership staff and hence their ability to build on what has been achieved to date. In communicating the in-principle decision to partnerships, we will make clear that we reserve the right to revise the allocation in the event of any changes to the grant made available to us by government from financial year 2019-20.

Recommendation: The board is invited to **agree** in principle to set aside £60 million per year in the 2019-20 and 2020-21 academic years to support collaboration between HE providers and with schools and colleges through the second phase of the National Collaborative Outreach Programme (NCOP).

Evidence and impact

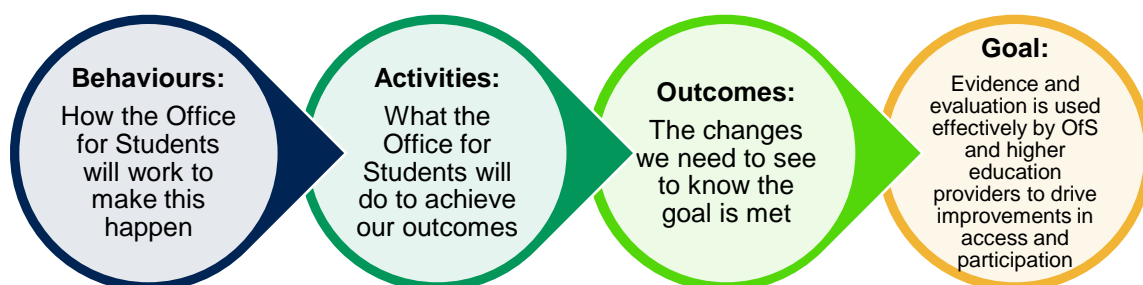
37. Our vision for evidence and impact is that evidence and evaluation should be used effectively by OfS and higher education providers to drive improvements in access and participation.

38. We want to improve the generation, use and dissemination of evidence about what works to improve outcomes for students from under-represented and disadvantaged backgrounds across the lifecycle. Where there is evidence currently, this is not being applied effectively and providers are not systematically evaluating their investments to learn what is and is not working, and where efficiencies can be made.

39. Better use of evidence in decision making, and higher quality evaluation design and implementation, will improve the impact of interventions, meaning more effective use of the significant investment made each year on access and participation interventions and an improvement in outcomes for students.

40. Annex C to this paper sets out the proposed Evidence and Impact strategy for access and participation in detail. The strategy is based on stakeholder engagement and evidence gathering to ensure that it takes account of the latest research and the needs of the OfS, students and HE providers. We have sought to recognise and mobilise a breadth of expertise to pioneer the collaborative, reflective and ambitious way of working that underpins this strategy.

41. Our approach is illustrated in Figure 1 below:



42. In broad terms, we intend to:

- a. Make changes to the regulatory processes to make sure providers value and use evidence and evaluation to improve the impact of access and participation.
- b. Contribute to the growth of evidence to enable providers to use research and evidence to inform investments in a number of ways, including through the Evidence and Impact Exchange and our own evaluation and analysis.
- c. Co-design and develop guidance and training focused on good practice in programme design, designing and running rigorous evaluation, and learning from evaluation and evidence.
- d. Make better use of data to allow providers more rigorously to evaluate the impact of their interventions and mobilise this knowledge to improve practice.
- e. Use our strategic funding to drive innovation and collaboration.
- f. Establish a communications and stakeholder strategy to realise and sustain the change we want to see.
- g. Nurture and sustain an evidence culture across the OfS, embedding more consistent processes and methods for measuring the impact of government investment.

43. Alongside this, our reforms to access and participation plans include the creation of an 'access and participation dataset' which demonstrates the extent of gaps in access, success and progression across the sector and for individual HE providers. We propose that the access and participation dataset should be shared with individual providers at the same time our APP guidance for providers is published, in order to inform the development of their targets and our negotiation with them on this. We also plan to publish this on our website in order to enhance scrutiny of performance. This will complement our implementation of the Transparency Information condition (F1), through which providers will in the first instance be required to publish information on applications, offers, continuation and awards by gender, ethnicity and socio-economic background, and to which we propose to add information by age and disability following engagement through our access and participation consultation.

Recommendation: The board is invited to **note** the Evidence and Impact strategy we have developed to underpin our access and participation work.

Key Performance Measures

44. Since the agreement of our KPM's at the July board meeting, we have conducted work to develop targets in relation to the five measures relating to gaps in access and participation.
45. Reflecting best practice in this area, our work embraced:
- a. Inception, identifying priority groups and our overall ambitions, assumptions and external factors that could affect the sector's ability to meet our ambitions, and the evidence needed.
 - b. Intelligence gathering, involving historical and peer comparison benchmarking, both in relation to other countries and other sectors, and identifying 'best in class' performance.
 - c. Setting ambitions, establishing what we want to achieve in the medium and longer-term.
 - d. Understanding our impact, identifying what interventions OfS would make and their impact over time.
 - e. Final trajectory setting, bringing all this information together to set targets and trajectories.
46. In finalising the proposed measures, we determined that:
- a. We should set the ambition for future generations in the most under-represented areas of the country to have an equal opportunity to access higher education and identify a trajectory to achieve this.
 - b. Our ability to meet this ambition will be influenced by the size of the sector and the degree to which students from the groups most represented in higher education currently decide or are required to take alternative routes. This will be significantly affected by the Augar review.
 - c. We should aim to eradicate 'unexplained' gaps in continuation and attainment, for example factors other than subject choice and entry qualification, during the proposed 5 year cycle of access and participation plans, whilst making progress also on the 'explained' elements.
47. As a result of this, we have developed targets for four of the five KPM's, which we propose to use as the basis for negotiating similar targets and trajectories with individual providers through our reformed access and participation plans. Given the factors identified above, we propose to defer finalising KPM 1 until the government has confirmed its response to the Augar review.
48. In the meantime, our proposed KPM's are:
- a. To eliminate the gap in entry rates at higher-tariff providers between the most (POLAR Q5) and least represented (POLAR Q1) groups by 2038-397. In order to measure the necessary progress towards this goal, we have developed separate targets to eliminate the gap for 18 and 19 year olds, and 20-30 year olds. For 18 and 19 year olds, our target is to reduce the gap in participation between the most and least represented groups from 10.2 per cent in 2016-17 to 8.9 per cent by 2024-25; and for the quintile 5: quintile 1 ratio to decrease from 5.1:1 in 2016-17 to 2.8:1 by 2024-25. We will publish our targets for those aged 20-30 entering higher-tariff providers in Spring 2019.

⁷ This target assumes an annual increase in student numbers for higher tariff providers of 3.5 per cent per year, which is broadly in line with average annual increases we have seen between 2013-14 and 2016-17.

- b. To eliminate the unexplained gap in non-continuation between most and least represented groups by 2024-25, and to eliminate the gap entirely by 2030-31.
- c. To eliminate the unexplained gap in degree outcomes (1sts or 2:1s) between white students and black students by 2024-25, and to eliminate the gap entirely by 2030-31.
- d. To eliminate the gap in degree outcomes (1sts or 2:1s) between disabled students and non-disabled students by 2024-25.

49. Further details of the process we have followed to establish these KPM's and the basis for them is provided in Annex D to this paper. While the analysis we have carried out in the development of our targets is as rigorous as we believe we can deliver, this work remains policy in development and we would welcome the board's views on whether it reflects the ambitions we should be setting as a regulator.

Recommendation: The board is invited to **advise** on the key performance measures we have suggested for our access and participation work.

Legal basis

50. Exempt from publication

51. Exempt from publication

52. Exempt from publication

53. Exempt from publication

54. Exempt from publication

55. Exempt from publication

56. Exempt from publication

57. Exempt from publication

Recommendation: The board is invited to **advise** on how we should seek to influence and negotiate with providers on their access and participation plan targets.

Risks

58. Exempt from publication

Communications and engagement

59. Communications relating to this decision will focus on three main audiences:

- a. Staff at higher education providers who need to know the details of the new approach so that they can begin preparing for the next access and participation plan process, and to plan the next phase of NCOP work.
- b. Policymakers, government, students and other stakeholders with an interest in how we are working to improve access and participation: there is a clear opportunity here to demonstrate our ambition and the real-world actions we are taking to challenge and support providers so that ambition is realised.
- c. OfS staff who need to understand the new approach so they can confidently discuss it with stakeholders.

60. We will reach these audiences through:

- a. A publication following the board meeting describing our new approach, aimed at the HE provider staff, which will be published on our website.
- b. A report on the consultation outcomes, authored by CFE Research, which will be published on our website.
- c. A direct email to A&P contacts at providers, outlining the new approach and linking to both the above publications.
- d. Offering the Director for Fair Access and Participation for media opportunities, together with a blog or video website explaining the reforms and the rationale behind them.
- e. A press release highlighting the targets we have set ourselves, outlining the new ways of working that will help us achieve them, and drawing attention to both publications.
- f. All the above amplified on social media.
- g. News item on the Hub, and staff briefing, to explain the changes to OfS staff.

61. We propose a two-stage process for communications. In the first stage in December 2018, we will announce the overall strategy and the reforms to the access and participation plans, together with the board's intentions in relation to funding NCOP partnerships. This will enable HE providers to begin to plan for the changes. We will then publish detailed guidance on access and participation plans at the end of February 2019.