



## **Draft minutes of the OfS Board meeting, 9 March 2021**

**Location: by video or telephone conference**

**Timings: 1615-1730**

- Present members:
- Martin Coleman (deputy chair)
  - Nicola Dandridge (chief executive)
  - Gurpreet Dehal
  - Elizabeth Fagan
  - Katja Hall
  - Verity Hancock
  - Kathryn King
  - Kate Lander
  - Simon Levine
  - Martha Longdon
  - Chris Millward (Director for Fair Access and Participation)
  - David Palfreyman
  - Monisha Shah
  - Steve West
- Attendees:
- Ian Coates, Department for Education (DfE) representative
- Apologies:
- Sir Michael Barber (chair)
- Officers:
- Ed Davison
  - Josh Fleming
  - Paul Huffer, Head of Legal
  - Susan Lapworth, Director of Regulation
  - Paula McLeod, Corporate Governance Senior Adviser (clerk)
  - Richard Puttock, Director of Data, Foresight and Analysis
  - Conor Ryan, Director of External Relations
  - Nolan Smith, Director of Resources and Finance
  - Ben Whitestone, Head of Governance

## Chair's welcome

1. The deputy chair welcomed members to the meeting and advised that Sir Michael Barber had an unavoidable commitment which meant he was not expected to arrive until around 1715. No other apologies had been received.
2. The deputy chair advised the board that Ian Coates was attending his last meeting as the DfE representative. The deputy chair thanked Ian for his valuable contribution over the last 3 years and for all that he had done to support the board in its work. In response, Ian passed on his own thanks to the board, noting that his colleague Hannah Sheehan would attend future meetings.
3. At the meeting on 3 February 2021, the board agreed to delegate its authority to a small group, chaired by Sir Michael Barber and including Kathryn King, the chief executive and the Director of External Relations, to take decisions in relation to the review of the NSS. This group met on 2 March 2021 and the Director of External Relations reported to the board that the following decisions had been taken under this delegated authority:
  - a. Decision one - The group unanimously agreed that after full consideration of all three options option one, an annual census, was the appropriate level at which the NSS could continue to provide reliable data on the student perspective on their subjects, their providers and the wider system.
  - b. Decision two - The group approved the review of the current questions as part of phase two of the review to ensure they remain fit for purpose and stand the test of time.
  - c. Decision three - The group unanimously approved the removal of the term 'satisfaction' from the summative question or aggregate score to replace Question 27.
  - d. Decision four - The group approved the continued publication of the NSS results in line with the robust requirements of official statistics while retaining the right not to publish in exceptional circumstances, in accordance with the OfS scheme of delegation for data publication.
  - e. Decision five - The group agreed that the OfS should improve user guidance to providers and students' unions on responsible statistical use of NSS results.
  - f. Decision six - The group agreed, as part of phase two, that OfS should examine improvements to the data dissemination site to help reduce burden on providers.
  - g. Decision seven - The group approved the recommendation that OfS should raise student and students' union awareness of the allegation of inappropriate influence process, including what may constitute inappropriate influence.
  - h. Decision eight - The group agreed to publication of the report and its technical annexes. This is expected in late March 2021.
4. In confirming her support for these decisions, Kathryn King passed on her thanks to the Director of External Relations and his team for all of their work and for ensuring the whole review process had been carried out with complete rigour and thoroughness.
5. The deputy chair noted that an updated forward look agenda had been made available for board members on Diligent. This now included the list of action points arising from previous meetings.
6. The board noted its general duties as set out on the agenda and the need to have regard to these as it considered papers and made decisions.

## Approval of February minutes (paper 2.1)

7. The minutes of the board meeting held on 3 February 2021 were approved.
8. The chief executive updated members on the position with the designated quality body and the work that is happening in this area since the last meeting.

## Chief executive's report (paper 3.1)

9. The chief executive presented her paper which provided an update on work undertaken and issues that have arisen since the date of the last regular board meeting on 3 February 2021.
10. The chief executive set out for the board the challenging parameters in which the executive and organisation are currently operating. These include:
  - a. The consultation on quality and standards is central to the OfS's work. Responses are being analysed and will inform a phase 2 consultation later in the year.
  - b. The OfS's approach to quality needs to align with the design of the TEF, which will also be subject to consultation later in the year.
  - c. Consultations are due to close shortly on monetary penalties, the publication of regulatory decisions and reportable event requirements. In addition, there will need to be two funding consultations following recent government announcements.
  - d. Further resource pressure comes from:
    - i. the additional work required to support the government's implementation of proposals on free speech and the FE White Paper; and
    - ii. the impact of coronavirus on both OfS's regulatory activities and on its staff.
  - e. Alongside this, the organisation is committed to make a 10% saving in its administration budget. **Exempt from publication**
11. The chief executive advised that officers were engaging with DfE officials to gain a more detailed understanding of the planned role for the free speech champion on the OfS board.
12. Initial data on admissions for 2021/22 indicates a reasonably stable position with an 8 per cent increase in applications overall. The time-limited condition of registration (Z3) remains in place until 30 September 2021 and the OfS would expect to enforce those requirements as necessary. In addition, the OfS will wish to ensure that incoming students are provided with the necessary support as they commence their studies, that any over-recruitment does not result in poor quality provision, and that providers continue to deliver on their access and participation plans.
13. Decisions as a result of the consultation on the proposed introduction of new condition C4 (the powers to intervene in cases of providers at risk of market exit) would be made shortly and subsequently published.
14. Immediate actions and recommendations arising from Sir Michael Barber's review of digital teaching and learning are being taken forward by the executive. Further consideration is being given to how these can be incorporated into the OfS's regulatory activity in the longer term.
15. The board:
  - a. Welcomed the chief executive's account of the current demands on the organisation and recognised the need to avoid over-commitment. It agreed that a paper setting

- out organisational priorities should be brought to the board for consideration at its next meeting.
- b. Stressed the need for further clarification from DfE on the scope of the free speech champion and the role the OfS would be expected to have in future in relation to this issue. It was agreed the board should receive regular updates on this matter.
  - c. Noted the updates contained in the report.

### **Data futures (paper 4.1)**

16. The Director of Data, Foresight and Analysis introduced the paper updating on the HESA data futures programme, noting that this is largely on track. He was seeking approval from the board to fund the programme until 31 March 2022 and was confident HESA will be able to deliver the new data platform and model within the overall budget which includes further funding in 2022-23 and to the agreed timescale. If the funding was not approved at this time, the risk would be the loss of key staff working on the programme and subsequent delays in delivery.
17. As agreed with DfE, the director confirmed that the OfS will review the burden on providers of in-year collections. As a consequence, there can be no certainty at this stage about whether in-year data will be needed. Once known, if in year data is required HESA will need to scope out any necessary changes to the collections to reflect the increased frequency. He expected the costs of this to be modest but HESA had not yet formally estimated this.
18. Gurpreet Dehal, a member of the Data Futures quarterly review group, confirmed that the overall governance of the project is now more effective, with an appropriate level of challenge directed at those managing it. There was also less risk than at any other point. He confirmed he was supportive of the levels of funding being requested.
19. In discussing the funding request, some concern was raised about the risk to OfS of possible delays or overrun in the project and, if realised, the impact this could have on the agreed budget. It was felt further clarity was required on what HESA's specific deliverables will be, when they will be delivered and if this is in line with the OfS's overall requirements. This requires having an explicit plan in place with agreed milestones that are subject to regular monitoring.
20. The board agreed that funding of £6,236,772 was approved for the next phase of the Data Futures programme for the period until 31 March 2022, subject to:
  - a. A group being established comprising Elizabeth Fagan, Kate Lander, Gurpreet Dehal, Richard Puttock, Nolan Smith and the chief executive who would meet after the board meeting to define and agree milestones for delivery by HESA and Jisc of this next phase of the Data Futures project. The milestones should comprise substantive and clearly defined outputs and outcomes, which taken together will represent successful delivery of the next phase of the Data Futures programme by 31 March 2022.
  - b. The group would also agree the mechanism for ensuring effective monitoring of the delivery by HESA and Jisc against those milestones (to be done either by the group themselves, or by the RAC).
  - c. The board to be updated on progress at their April and subsequent board meetings.

### **Review of digital teaching and learning (paper 5.1)**

21. The board noted that the immediate actions and recommendations arising from Sir Michael Barber's review of digital teaching and learning are being taken forward by the executive. The board agreed to return to this paper at its next meeting to consider the longer-term implications for the OfS and its work.

*Sir Michael Barber joined the meeting at 1716*

## **Closing remarks**

22. In closing the meeting, the deputy chair thanked members for their contributions. An additional single-issue meeting of the board is scheduled for 22 April 2021 and would focus on the emerging outcomes of the quality and standards consultation and the relationship with the TEF.
23. This was Sir Michael Barber's last meeting before he steps down as OfS chair at the end of March 2021. On behalf of the board, the deputy chair took the opportunity to thank Sir Michael for his contribution to the OfS over the 4 years since its creation and for his collegial approach to chairing the board. He was 'virtually' presented with a leaving gift – a book containing messages from members of the board, OfS directors and staff and others that he has worked with. He was advised that this had been hand-made by an OfS colleague.
24. In response, Sir Michael reflected on his time in post and thanked the board, the directors and OfS staff for their work, commitment and support during that period.
25. The formal meeting closed at 1742. The chair elect, Lord Wharton, joined the meeting at that point where he was welcomed by Sir Michael Barber and introduced to the board. Following an official handover of the chair role to Lord Wharton, he briefly outlined his priorities and vision for the role and took questions from board members.