

# **Regulating equality of opportunity in English higher education: Analysis of consultation responses**

**A report by Pye Tait Consulting for the  
Office for Students**

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## Executive summary

### Background

The Office for Students (OfS) is the independent regulator for higher education in England.

The two areas of focus for the OfS in its 2022-2025 strategy are quality and standards, and equality of opportunity in higher education.<sup>1</sup> In light of its current strategy and focus on equality of opportunity, the OfS is reviewing the tools available for promoting equality of opportunity through its regulation of individual providers, including access and participation plans (APPs).

The OfS consulted on eight proposals for its future approach to regulating equality of opportunity in English higher education. This report details the key findings.

The eight proposals are listed in section 1.1, an overview is provided at the start of each subsection in section 2, and the full proposals are in Appendix 3. Further details relating to the consultation approach, methodology and limitations, are outlined in Chapter 1.

### Key findings

#### Overarching view

Broadly, respondents feel the proposals align to existing work and strategies, and that the Equality of Opportunity Risk Register (EORR) will help to enhance this by providing consistency and clarity. Clarity is, however, sought on how the EORR will be implemented in practice. The standardised format for APPs is welcomed, as is the proposal for an accessible summary. The transparency from using data published in dashboards to assess performance is also positively received. It is felt that the proposed approach will ensure higher education providers retain their autonomy and some flexibility to maintain a strategic approach to developing relationships and interventions. Respondents note that, by moving to a provider-level approach, there is a risk that sector-wide risks may be overlooked.

#### Greater clarity and guidance

Additional clarity is sought relating to particular aspects of the proposals, and respondents would like to see some terminology more clearly defined. In relation to APPs, respondents would welcome more information on the content, level of detail and evidence required within plans. More information on monitoring, measurement (relating to measurement requirements within APPs, and clarifying how raising attainment at pre-16 will be measured) and assessment processes is also requested. A draft or exemplar EORR would be welcomed by respondents.

#### Proposed timings

Respondents would like to see the EORR released earlier so providers can develop APPs and begin transitioning, as timings are tight currently. Questions are raised around the four-year cycle, and how this might work if/when APPs need altering to accommodate risks that are outlined within annual EORR updates, or if circumstances and priorities change dramatically in this timeframe (for example, the COVID-19 pandemic or cost of living crisis). Some note a four-year cycle may restrict providers implementing longer-term interventions.

#### Small and specialist providers

Higher education provider context is commonly discussed, particularly relating to smaller and specialist providers. Respondents note that such providers may be limited in the data they can provide owing to smaller cohorts, and further guidance from the OfS is requested. Others note that small and specialist providers may see their limited resources placed under greater strain, and for this reason believe provider context should be included with publication of information. Broadly, respondents suggest that the OfS takes provider context

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<sup>1</sup> OfS, 2022. Office for Students Strategy 2022-2025

into account by offering greater flexibility in terms of what is expected of smaller and specialist providers, as well as more support and guidance.

### Student experience

Across the consultation as a whole, the student experience is discussed by ten respondents, who would welcome the OfS collaborating more closely with student unions to assess the impact of these proposals on wider activities. Some (four respondents) directly suggest that the OfS could consider students' lived experiences to better understand barriers to access and ensure the full breadth of student backgrounds is taken into account.

### Data collection

Respondents suggest that the OfS encourages and supports the gathering and publication of data relating to free school meal eligibility, children in need status, children in care status and other data defining learners' socioeconomic background (such as type of school attended or household income). Such data will, it is argued, allow the OfS to monitor trends and to better target its access and participation work.

### Specific feedback on each proposal

Overall, there are high levels of agreement with the OfS proposed approach with over seven in ten agreeing to some extent with six of the eight proposals. Support levels are slightly lower for proposals 6 (58%) and 7 (53%) although the majority still agree to some extent.

**Table 1 Summary of responses to the eight proposals**

| Proposal  | Strongly agree | Tend to agree | Tend to disagree | Strongly disagree | Don't know or prefer not to say |
|---|----------------|---------------|------------------|-------------------|---------------------------------|
| 1: Risks to equality of opportunity   | 13%            | 67%           | 11%              | 3%                | 7%                              |
| 2: Four-year plan duration and publication of information about a provider's delivery of a plan | 10%            | 61%           | 18%              | 4%                | 6%                              |
| 3: Format and content of APP  | 24%            | 55%           | 12%              | 1%                | 8%                              |
| 4: Targets  | 12%            | 66%           | 12%              | 4%                | 6%                              |
| 5: Evaluation   | 21%            | 59%           | 12%              | 2%                | 6%                              |
| 6: Investment   | 14%            | 44%           | 19%              | 11%               | 13%                             |
| 7: Raising attainment in schools and collaboration  | 11%            | 42%           | 31%              | 9%                | 7%                              |
| 8: Assessment process   | 18%            | 63%           | 8%               | 0%                | 12%                             |

Base: differs for each proposal, varying between 154 and 161 respondents. Source: OfS consultation 2022.

The following sections briefly outline the themes emerging from responses to each proposal. A summary of the OfS proposals is in the main report, and the full consultation document is in Appendix 3.

Note that the numbers in the following discussion refers to the number of respondents answering each question, rather than the total number of consultation respondents.

### **Proposal 1: Risks to equality of opportunity**

One third of respondents (49, 34%) specifically welcome the increased autonomy for providers to ensure their context is considered within their plans. A further fifth (25, 17%) believe the proposals are an effective tool for addressing equality issues. Greater clarity and guidance are sought on risk categorisation in EORR and on using risk as a measurement within APPs (54, 37%). Asked if/how the OfS approach could differ, concern is raised by a fifth of respondents (19, 20%) that an institution-level approach to risk means some sector-wide risk may be overlooked in APPs. Some (25, 27%) would like to see the EORR moved earlier than planned to enable providers to develop plans.

### **Proposal 2: Four-year plan duration and publication of information about a provider's delivery of a plan**

Respondents believe this proposal will allow a strategic approach that supports the development of relationships with relevant stakeholders. Both those agreeing and disagreeing with the approach request further guidance or disagree with certain aspects such as monitoring and the criteria used to measure the successful delivery of APPs (35, 25%). Some (26, 19%) feel the four-year cycle is too short and risks the loss of longer-term interventions. Respondents suggest that publications include context of institutions' circumstances to outline why targets were not reached (27, 38%). Some (five, 7%) believe that an annual update of plans should be allowed for instance if new risks or barriers for engagement are identified.

### **Proposal 3: Format and content of an APP**

A standardised format will, it is felt, help ensure consistency and clarity (32, 20%), and an accessible summary is also welcomed by one tenth of those commenting (21, 13%). Some (36, 28%) would like more clarity on which strategies or interventions providers should include within their APP, and the level of detail. Others (21, 16%) feel the new plan could lead to greater burden, particularly for smaller providers.

### **Proposal 4: Targets**

This proposal is broadly welcomed and noted to be in line with current arrangements. However, a third (44, 32%) feel more guidance is needed for how the proposal will be implemented. Concern is raised that some aspects may be harder to achieve for smaller and specialist providers (22, 16%), and others feel qualitative targets may, in some cases, also be required to capture a target's impact and its complexities (20, 14%). Flexibility in setting targets, to acknowledge providers' context, is requested, for instance where providers may have contextualised aims, or where targets may fluctuate year-on-year for smaller providers.

### **Proposal 5: Evaluation**

The emphasis on evaluation is welcomed and seen as necessary to drive successful APPs. However, greater clarity to define terminology (such as 'significant increase') is sought (44, 32%), along with further guidance on what 'good' evaluations might look like, particularly in different provider contexts (26, 19%). Increased evaluation activities will, it is argued, increase the administrative burden for providers (especially small/specialist providers), and place strain on sector-wide evaluation expertise (41, 30%). Clarity on the publication platform is requested, with TASO commonly suggested as a suitable repository (14, 18%).

### **Proposal 6: Investment**

A flexible approach that ensures each intervention strategy can be delivered and adapted to the best of its ability is welcomed to help achieve focus on outcomes. Again, clarity is sought on aspects of this proposal (41, 32%) relating to what is required from providers, how data will be used, and how institutional spend on participation is reported. Several (37, 29%) flag potential challenges related to the proposal, including providers struggling to accurately predict their spend, or lacking sufficient resource to effectively deliver to OfS requirements. Some (19, 15%) believe this will increase providers' administrative burden.

Some (13, 22%) mention either that spend on APP activity and access in particular should be protected, or that APP plans should continue to provide information on access investment in targets and investment plans. Several (11, 19%) would like to see more flexibility within the approach, noting that institutions are not all the same in terms of their size and operation.

### **Proposal 7: Raising attainment in schools and collaboration**

Respondents believe that existing connections and infrastructure, developed through Uni Connect or other means, are important to maintain, and should not be neglected when seeking to develop new relationships (72, 52%). Greater clarity on providers' role is sought (67, 48%), and more guidance and information are requested. Several (16, 13%) query whether higher education providers are best placed to take this strand forward, if expertise lies with schools, and note that stakeholders like the DfE should be closely involved to ensure the approach is joined-up and as effective as possible. Concern is also raised around funding (35, 25%) – additional support from the OfS would be welcome, as otherwise some providers say they will ultimately have to divert funds from other activities to their detriment. It should be noted that no responses from schools were received to this consultation.

### **Proposal 8: Assessment process**

Transparency around data and inclusion of providers' context is appreciated within this proposal. Concern is voiced (31, 26%) as to whether data will be applicable to all providers (large vs small/specialist), and the increased burden this proposal may place on providers. Several (15, 34%) advocate for better collaboration and engagement between the OfS and providers through, for example, annual reporting requirements tailored to type of provider, and enhanced data sharing and communication with providers. Others (14, 32%) request greater clarity around the assessment approach and specifically the timings.

### **General comments**

Several (24, 23%) take the opportunity to outline their broad support for the proposals. Some (31, 29%) feel more clarity and detail is needed, particularly around various timelines, and around targets, outcomes, and expectations from all relevant stakeholders. Some (18, 17%) express concerns over the timings of the proposed approach, including the timeframe for writing APPs being too short, or evaluation timelines being too tight. Several (14, 13%) mention that reporting and evaluation may generate additional workload.

Asked about unintended consequences, the most common themes include:

- the proposals not actually improving or achieving equality among students (21, 19%),
- the overall proposal's expectations being too high, with examples provided by respondents relating to resources required, funding not specified, and possible expectations around raising attainment (17, 15%), and
- the approach focusing more on access and less on student participation, or having greater focus on targets and compliance rather than progress (16, 14%).

In terms of unclear aspects, many (56, 58%) believe that additional information is required, particularly in the areas of proposal outcomes, targets, data sharing, financial and investment reporting, and EORR. Respondents request clarification on why the EORR will be reviewed annually if APPs will be fixed for four years. More detail is also sought on specific aspects such as evaluation requirements, publication plans, how success will be measured, and clarity on timings.

Exploring potential impact for individuals based on their protected characteristics, some (22, 40%) raise concern that APPs may single out some individuals whilst excluding others depending on metrics used. Several (15, 9%) express concern that the current content of the proposals does not necessarily support all under-represented characteristics.

## 1. Introduction

### 1.1 Background

The Office for Students (OfS) is the independent regulator for higher education in England. It aims to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers.

The two areas of focus for the OfS in its 2022-2025 strategy are quality and standards, and equality of opportunity in higher education.<sup>2</sup> In light of its current strategy and focus on equality of opportunity, the OfS is reviewing the tools available for promoting equality of opportunity through its regulation of individual providers. This includes its regulation of access and participation plans (APPs), but also includes the wider powers and duties of the OfS, as set out in the regulatory framework.

In February 2022, the Director for Fair Access and Participation set out priorities in this area for the next four years and outlined how the OfS would work with higher education providers, students, and other stakeholders to deliver them.<sup>3</sup> To continue to deliver on these priorities, the OfS wishes to refocus APPs so that they more clearly set out how providers will address both sector-level risks to equality of opportunity as well as provider-specific risks.

An open consultation setting out the OfS proposals for its future approach to regulating equality of opportunity in English higher education was launched on 6 October 2022 and closed on 10 November 2022. The consultation was open to anyone interested in responding, either as an individual, organisation, or group. The eight proposals centre on:

1. Risks to equality of opportunity
2. Four-year plan duration and publication of information about a provider's delivery of a plan
3. Format and content of an APP
4. Targets
5. Evaluation
6. Investment
7. Raising attainment in schools and collaboration
8. Assessment process

In Autumn 2022, Pye Tait Consulting, an independent research agency, was commissioned to undertake an analysis of the consultation responses. This report presents the findings from the analysis of all responses received to the consultation.

Taking into account the feedback received, the OfS will publish its response to the consultation and related guidance in Spring 2023.

### 1.2 Aim and objectives

The overarching aim of this research was to analyse all responses received to the consultation and to report the outcomes to the OfS. Specific objectives were to:

- conduct an objective and comprehensive quantitative and qualitative analysis of all responses to the consultation,
- identify and categorise themes, focus areas or questions, and
- report on the findings.

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<sup>2</sup> OfS, 2022. Office for Students Strategy 2022-2025

<sup>3</sup> OfS, 2022. Next steps in access and participation (see: <https://www.officeforstudents.org.uk/news-blog-and-events/events/next-steps-in-access-and-participation/>)



## 1.3 Methodology

### 1.3.1 Consultation approach

The OfS developed the consultation questionnaire which comprised ten core sections to seek views on different aspects of the proposals: an 'about you' section, one section for each of the eight OfS proposals, and a final section capturing general comments. The final consultation questions can be found in Appendix 3, and the structure of this report mirrors that of the consultation.

The consultation window was open from 6 October to 10 November 2022. The main route through which to submit responses was the OfS online 'smart survey' portal. In total, 174 responses were received, of which 168 were received through the online portal, while six offline responses were received by email/letter.

The OfS shared all responses with Pye Tait Consulting, having first removed any personal data from responses where consent had not been granted, and in line with OfS' privacy policy and data sharing agreement. Pye Tait Consulting then undertook onward analysis of all responses.

### 1.3.2 Approach to the analysis

Before undertaking a detailed analysis, responses were first reviewed and cleaned. This process involved checking for campaign responses, errors, blank, or duplicate responses. Five blank responses were found and removed, leaving 169 unique, valid responses for onward analysis.

Quantitative analysis of closed consultation questions was undertaken in SNAP software. Responses were analysed at an overall level, and subsequently subgroup analysis was undertaken to explore any notable differences by:

- individual vs organisation,
- organisation type,
- respondent type,
- higher education providers' region, and
- higher education providers' size.

Details of the grouping can be found in Appendix 1.

Qualitative analysis of responses received to the open-ended questions was undertaken by Pye Tait Consulting in three successive stages.

1. High-level review of all responses to identify broad themes and sentiment.
2. Identify key themes arising to each question. Based on this, a coding framework was developed by Pye Tait Consulting, with checks for inter- and intra-coding consistency, and finalised in collaboration with the OfS.
3. A comprehensive review to code each response according to the coding framework, to identify frequency of themes overall and by respondent subgroup.

On completion of each pass, outcomes were discussed with the OfS before moving forward to the next phase.

### 1.3.3 Interpretations and limitations

An open consultation of this nature does not seek to be a representative sample of the whole population. The implication of self-selection bias is that an assessment of views can only be made for the respondents who choose to participate and will not represent the entire target population, but rather a small subset. As such, the findings should be interpreted with caution.

It should be noted that some 'organisational' responses were collaborative responses with contributions from multiple organisations. In addition, some organisations spent a great deal

of time and effort in organising, for example, workshops to gather feedback on the OfS proposals. This was welcome but it should be noted we can only report on the summary response provided as not all the material from those discussions was contained in organisations’ consultation responses. Furthermore, it should be noted that some responses were received from representative bodies which therefore reflect the views of their community. Organisational responses, including those from representative bodies, have not been weighted in the analysis – in effect, this means each response has an equal weight, although trends by organisation type (for instance, key points made by representative bodies) are drawn out in the report. The reader is advised to bear these points in mind when interpreting the report.

Owing to some small sample sizes, some codes developed during the analysis were noted by five or fewer respondents and these have not been subsequently included in the report due to suppression. The final coding book developed by Pye Tait Consulting was provided to the OfS; this contains all coded responses for each question, including those not included in this report due to suppression. In addition, Pye Tait Consulting provided the OfS with a separate document detailing the suppressed codes for each question to enable the OfS to review and respond to all points raised within this consultation.<sup>4</sup>

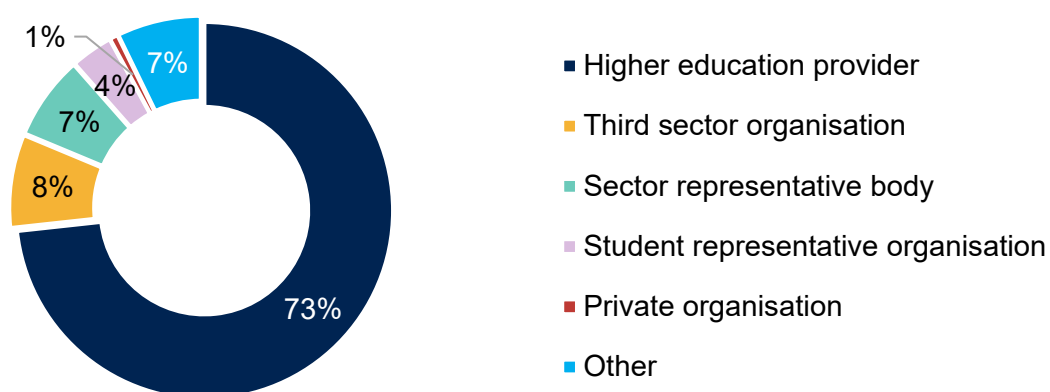
Note that some anonymised quotations from respondents are included in the report. These extracts are included to provide examples which reflect the most common points raised.

### 1.4 Respondent profile overview

Of the 169 valid responses received, most (83% or 141) were submitted by organisations and a few (7% or 11) were from individuals (remaining respondents did not consent to this information being provided). A list of the 136 responding organisations that were willing to share their name is provided in Appendix 2.

Respondents that said they represent the views of an organisation were asked to select their organisation type from a pre-defined list of options. Around three quarters (73%) of organisations are higher education providers, while about one in twelve (8%) are third sector organisations, and a similar proportion (7%) are sector representative bodies. The 7% of ‘other’ organisational respondents are partnerships between higher education providers. No responses were received from schools.

**Figure 1 Breakdown of organisational respondent types**



Base: 138 respondents. Source: OfS consultation, 2022.

<sup>4</sup> Note: many of the suppressed codes within that document are already covered within this consultation report (for example, where a point is made by more than five respondents, but under a different consultation question).

A more detailed breakdown of respondents is provided in Appendix 1.

## 2. Key findings

### 2.1 Proposal 1: Risks to equality of opportunity

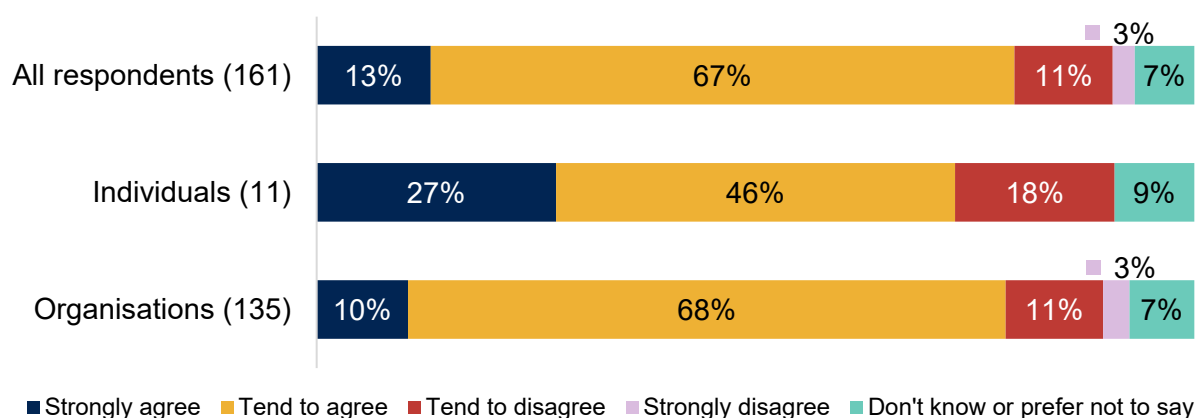
#### Summary of Proposal 1: Risks to equality of opportunity

- The OfS proposes that a provider's APP should be focused on 'risks to equality of opportunity'.
- The OfS proposes that a provider should have regard to the OfS Equality of Opportunity Risk Register (EORR) when identifying its risks to equality of opportunity.

#### 2.1.1 Extent of agreement with proposal 1

Respondents were asked the extent to which they agreed with the proposals relating to risks to equality of opportunity. Four in five (128, 80%) strongly agree or tend to agree, while around one in seven (22, 14%) tend to disagree or strongly disagree. The remaining 7% (11) are unsure or prefer not to say.

**Figure 2 Extent of agreement with proposal 1 relating to risks to equality of opportunity, by individuals and organisations**



By organisation type, agreement levels are highest among sector representative bodies (nine of 10, 90%) and lowest among third sector and private organisations (six of 12, 50%). By higher education provider region, agreement is highest in the North West, South West, and Yorkshire and the Humber (all 100%) and lowest in the South East (seven of 14, 50%) and West Midlands (seven of 10, 70%).

Respondents were asked to provide an explanation for their answer, and 146 comments were received. As the first open-ended question in the survey, many comments received here did not answer the question but instead focused on other aspects of the proposals that were asked about at a later stage.

Just over one third of those commenting (49, 34%) explain why they agree with the proposal. Around one quarter (39, 27%) welcome the increased autonomy for providers to ensure their context is considered within their plans. Around one in six (25, 17%) believe the proposals are essential for addressing equality issues, and some (23, 15%) feel that the risk-based approach is – as one respondent summarises – 'a useful lens through which to consider access and participation commitments, given the scale, complexity and multifaceted nature of issues that underpin educational inequalities'. A handful (eight, 5%) state that the

proposed approach aligns with their existing EDI strategies, and that the EORR measures will enhance these.

Almost one third of those commenting (47, 32%) reference the EORR. Most support the use of the EORR for outlining and measuring risks to equality of opportunities, with 9% (13) explicitly stating this will provide clarity and consistency for understanding risks for under-represented groups. This was noted most frequently by higher education providers with over 10,000 students. Some (11 respondents, 8%) – mainly higher education providers – request the OfS shares the methodology and draft EORR to assist with the drafting of APPs.

Greater clarity on this proposal is requested by around two fifths of those commenting (54, 37%), and particularly by higher education providers with fewer than 10,000 students. Over a quarter (39, 27%) request specific guidance on risk categorisation and measures, including the relationship between risks, the EORR and target generation. Respondents also raise concern that the risk-based approach holds an inherent danger that certain risks, groups, and challenges may not be adequately addressed by providers across APPs. One representative body notes that early engagement by the OfS with providers to advise on drafting a register that is representative of the risks faced by the sector will help to minimise this.

Respondents also raise comments that reference other proposals, as discussed below.

One in ten commenting (15, 10%) seek greater clarity on the implementation of the EORR, specifically on how this will work in practice.

There is not enough detail to ascertain how the EORR will work in practice. As the EORR will be a public facing document, there is potential for it to be used negatively without opportunity to show how the sector is responding to risk as well as forecasting it effectively. – Higher education provider

A small proportion (14, 10%) request the clarification and broadening of definitions used within the proposal, including:

- outlining who and what should be included within APPs (four, 3%), and
- amending the use of the term 'risk' (which, it is argued, could be misunderstood out of context) (four, 3%).

A similar proportion (13, 9%) discuss concerns around data, including missing data within current APPs, the availability of data on the OfS dashboard, and the need to collect regional and local data so institutions can identify risks within their own context.

Several of those commenting (34, 23%) discuss timeframes and reference the timing of the EORR release. This group feel that an earlier release will allow providers to engage with APPs and begin to consider how to transition teams and initiatives. One higher education provider notes that the existing timescales will be challenging due to potential clashes with other administrative duties.

A further 19 respondents (13%) query the proposed four-year APP cycle, questioning how this might work in instances where APPs may need to be altered to accommodate new risks outlined within annual EORR updates.

It is not clear why the EORR is being reviewed annually when APPs are being reviewed every four years. Is it anticipated that any major changes in the EORR will require institutions to submit request for variations? Is it realistic to keep asking institutions to do more and more within a time span where they will struggle to show impact on interventions? – Higher education provider

Respondents (17, 12%) also request further details and guidance for institutions with smaller cohorts that may struggle to provide data that do not identify their students, or who may not have the resources nor capacity to fulfil ambitious targets that are outside of their current student cohort. Guidance on using the OfS data dashboard is also requested in this regard. One representative body notes that this may place smaller institutions at a disadvantage when the OfS evaluates their effectiveness in ensuring equality of opportunity.

### 2.1.2 Suggested alternative approaches to proposal 1

Respondents were also asked if they believe the OfS approach should differ, and 93 comments were received. Similar to the previous section, respondents provided comments that refer to other proposals beyond the proposal one within their responses.

Around one quarter (25, 27%) reference timescales within their response. Many discuss the release date of the EORR, with 15 (including 13 higher education providers) suggesting an earlier release, or a draft release, as they believe current timeframes may be restrictive for institutions to assess performance in risks and to develop APPs. Some (seven, 8%) express confusion around the annual EORR updates, suggesting this may become unaligned with APP updates if the OfS identifies new risks.

Just under three in ten (25, 27%) request more detail regarding the proposed approach to data and methodology, seeking guidance on OfS expectations in this regard. Some note that releasing data prior to the EORR will allow institutions to conduct analysis promptly.

One in five (19, 20%) outline concerns that, by changing the approach to identifying risks to be at institution level, this may result in sector-level risks being overlooked.

Several (12, 13%) feel proposals require a clearer focus on ensuring that under-represented groups continue to have a targeted approach for risk to equality of opportunity measures and that there is recognition of existing commitments in this regard.

Some (nine, 10%) note a need to recognise provider context within the proposal. This group outline how data access requirements for performance evaluations are limiting for small and specialist institutions and that proposals may be challenging to adhere to with limited team resources.

Just over one in ten (15, 16%) highlight that more time would ideally be required to consult and input on the development of the EORR and APPs prior to roll-out.

It would be helpful for OfS to acknowledge that APPs involve significant investment of time and resources from universities to implement interventions that impact on large numbers of students. It is not reasonable or practical to expect decisions which may impact on prioritisation and resource allocation to be made without widespread consultation across the community of the institution. This work takes care and time which is not feasible within the proposed timeframes. – Higher education provider

## 2.2 Proposal 2: Four-year plan duration and publication of information about a provider’s delivery of a plan

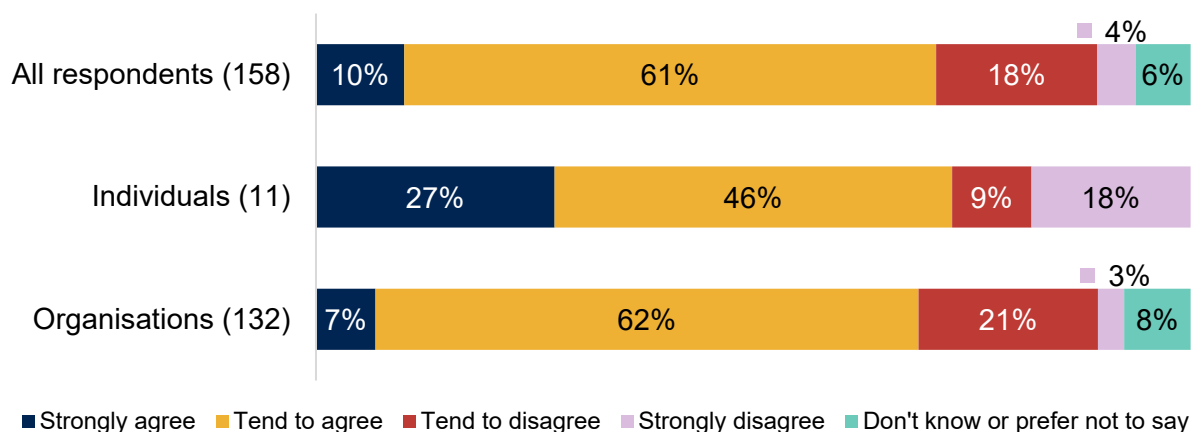
### Summary of Proposal 2: Four-year plan duration and publication of information about a provider’s delivery of a plan

- The OfS proposes reducing the normal maximum duration of plan approval to four years.
- The OfS proposes that a plan should be written as a strategic document that is set out over a four-year period.
- The OfS proposes that it should normally expect to publish information concerning its judgement about whether a provider has delivered the commitments in its approved access and participation plan appropriately.

#### 2.2.1 Extent of agreement with proposal 2

Respondents were asked the extent to which they agreed with the proposals relating to a four-year plan duration and publication of information about a provider’s delivery of a plan. Just over seven in ten (112, 71%) strongly agree or tend to agree, while around one in five (36, 22%) tend to disagree or strongly disagree. The remaining 6% (10) are unsure or prefer not to say.

**Figure 3 Extent of agreement with proposal 2 relating to a four-year plan duration and publication of information about a provider’s delivery of a plan, by individuals and organisations**



By organisation type, agreement levels are highest among student representative bodies (five, 100%) and sector representative bodies (nine of 10, 90%) and lowest among third sector and private organisations (four of 11, 36%) – although 45% of this latter group are unsure or prefer not to say. By higher education provider region, agreement levels are highest in the North West (12 of 13, 93%) and lowest in London (eight of 19, 42%). Meanwhile, agreement levels are higher among higher education providers with fewer than 10,000 students (22 of 28, 78%) than those with more than 10,000 students (41 of 64, 64%).

Respondents were asked to provide an explanation for their answer, and 139 comments were received. The majority (98, 71%) generally welcome this proposal and believe this will

allow a strategic approach that supports the development of relationships with relevant stakeholders.

Both those agreeing and disagreeing with the approach request further guidance or disagree with certain aspects. A quarter of those commenting (35, 25%) request further information on monitoring and measurement requirements within APPs. The four-year monitoring period is welcomed, but respondents are concerned that, if an instance occurs where the timeframe is altered, it will place an administrative burden on the institutions. Greater clarity is also sought on how the annual monitoring by OfS will take place.

Some wording in the proposal suggests the plan's approval is initially only for one year, and then rolls over to subsequent years if the OfS is happy. This seems to leave the door open for the OfS or government to require providers to change their plans more regularly, defeating the advantage of a four-year plan. Clarification on this aspect would be appreciated. –  
Higher education provider

Around one quarter (32, 23%) say they agree with OfS plans to publish information about a provider's delivery of a plan and, in fact, would welcome a faster response from the OfS as to whether a provider has appropriately delivered against the plan, following the plan's publication. Some (26, 19%) further request that published plans provide details of institutional context to avoid potential misinterpretations. Further details are also sought on what details will be included within the publication.

Several (20, 14%) say they disagree with proposals to publish institution delivery plans, arguing this poses a risk for the delivery of future APP targets. Respondents emphasise the need for the opportunity to respond to and act on the OfS comments prior to publication to ensure context and circumstances can be applied.

Just under one fifth (26, 19%) feel the four-year APP timeframe is too short and runs the risk of 'weakening the degree to which plans can be "strategic"', highlighting how interventions (for example, around raising school attainment and diversifying pathways) will take time to implement and evaluate, likely beyond the four-year APP period. To address this, respondents suggest introducing targets that exceed the APP timeframe to indicate a longer-term strategy.

Several (19, 14%) believe that APPs will increase the administrative burden for institutions, especially for smaller providers, particularly as the cycle is being reduced from five years to four. They also highlight that the alignment of APP timeframes with the Teaching Excellence Framework (TEF) cycle may increase administrative costs and suggest timeframes could instead be staggered.

Some (nine, 6%) raise concerns that a four-year APP cycle may reduce provider ability to act autonomously and to respond to changes in risks and circumstances that may occur during that period.

Such a rigid approach may result in a provider being forced to continue along a pathway they know to lack impact, while not being able to reflect activity they know to be more impactful. This prioritises process and compliance above pragmatism and agility which may result in poorer progress than hoped for. – Higher education provider

### 2.2.2 Suggested alternative approaches to proposal 2

Respondents were also asked if they believe the OfS approach should differ, and 72 comments were received.

Around two in five (27, 38%) believe the proposed approaches to publishing plans and details if/when providers do not meet targets should differ. Respondents suggest that



publications include context of institutional circumstances to outline why targets were not reached. Respondents also voice concerns that publishing the details of institutions that miss targets may inhibit innovation and ambition.

Just under one third (23, 32%) discuss APP timeframes. Some (five, 7%) believe that an annual update of plans should be allowed. Others note that a four-year plan may mean providers focus only on older school students and could detract from institutions engaging with earlier school years.

A longer window provides alignment for a greater number of undergraduate cohorts to complete their studies and for the impact to be evaluated; for example, the four-year window enables only two cohorts of students on a traditional three-year degree to conclude programmes. –  
Higher education provider

Respondents (six, 8%) also suggest that the OfS should use annual APP updates to allow institutions to alter plans, for instance if new risks or barriers for engagement are identified. They believe this will enable stability, institution buy-in and commitment and opportunities for a long-term strategy built on research and evaluation. However, some (four, 5%) feel that changes to APPs should be made only owing to issues with the design or process of the APP, rather than to address emerging aspects.

One quarter (18, 25%) request the OfS provides clarity regarding the assessment process of APPs. They suggest distributing APP assessment criteria to clarify the process of judgement and scrutiny and argue that this should include the right for institutions to respond to OfS comments. Further guidance is also requested on the level of detail and evidence required within APPs.

## 2.3 Proposal 3: Format and content of an APP

### Summary of Proposal 3: Format and content of an APP

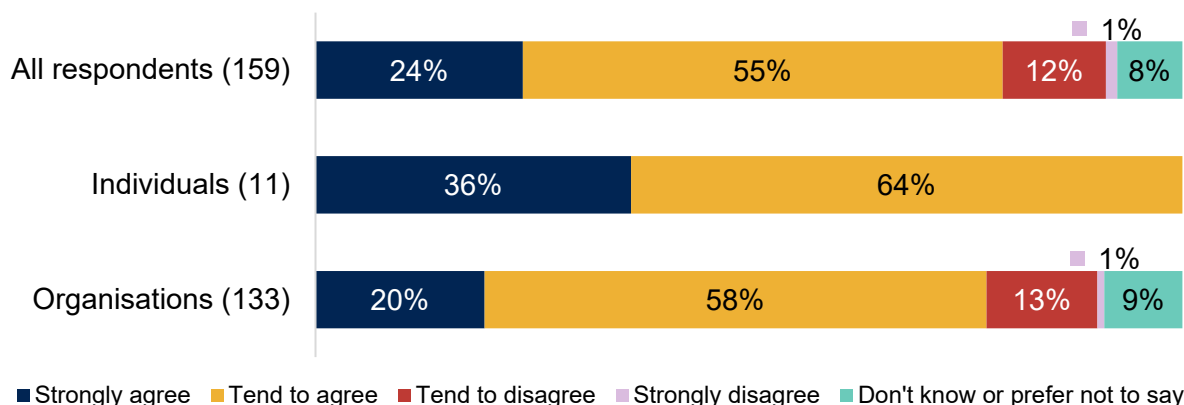
- The OfS proposes that a provider should include an accessible summary in its APP.
- The OfS proposes that a provider's APP should include intervention strategies which are linked to named objectives and address the provider's risks to equality of opportunity.
- The OfS proposes that a provider should follow a standard format when writing its APP which includes introduction and strategic aims, risks to equality of opportunity, objectives, intervention strategies, whole provider approach, student consultation and provision of information to students.
- The OfS proposes that a provider's plan should not exceed 30 pages. There is no minimum length for an APP. This page limit would exclude any annexes detailing a provider's assessment of performance, the accessible summary and supporting documents setting out fees, investment and targets.

### 2.3.1 Extent of agreement with proposal 3

Respondents were asked the extent to which they agreed with the proposals relating to the format and content of an APP. Just under four in five (126 of 159, 79%) strongly agree or

tend to agree, while around one in eight (21, 13%) tend to disagree or strongly disagree. The remaining 8% (12) are unsure or prefer not to say. There is unanimous support from individual respondents, while 78% (103 of 133) of organisations agree with the proposals.

**Figure 4 Extent of agreement with proposal 3 relating to format and content of an APP, by individuals and organisations**



By organisation type, agreement levels are highest among student representative bodies (100%) and lowest among third sector and private organisations (7 of 11, 64%), and sector representative bodies (seven of 10, 70%). Among higher education providers, agreement is highest in the North West (13, 100%) and lowest in the South East (eight of 14, 57%).

Respondents were asked to provide an explanation for their answer, and 130 comments were received. Of these, over half (68, 52%) think the proposal is adequate, with a quarter who specifically comment that the content is welcome – predominately noted by higher education providers. Some respondents then go on to provide further comments.

One quarter of those commenting (32, 25%) consider the proposal of following a standardised format to be highly beneficial. They feel that a template provided by the OfS will help to ensure clarity and consistency is maintained, and will naturally make APPs more focused, particularly on targets. This point is commonly noted by higher education providers with more than 10,000 students.

A total of 21 (16%) specifically note support for the move to improve accessibility of the plan by including an accessible summary, and by reformatting annex content to allow for a more succinct document. Further to this, 12 respondents – including higher education providers, student representative organisations and one sector representative body – particularly like the public-facing nature of the document to improve social mobility, accessibility and 'promote understanding of the strategic plans for all stakeholders including students'. Of the higher education providers who noted this, the majority have fewer than 10,000 students.

A further 10 (8%) respondents (including six higher education providers) feel the proposal will ensure consistency across providers and provides clarity of what is expected from them. Eight additionally believe that the proposal will lead to higher levels of transparency, particularly as the document will be public-facing, and six feel this format will provide better engagement with providers.

Overall, [university name] welcomes the clarity and detail provided by the OfS in relation to the shape and format of the APP. This level of detail is very helpful and will ensure consistency of approach across the sector. When, earlier in the year, the OfS suggested the need to provide a shorter, more readable APP summary, we also welcomed this development. – Higher education provider

Some respondents provided their opinion on the proposed 30-page limit for the APP document. Of those who commented, the majority (23, 18%) feel this is an appropriate length. However, a handful (12, 9%) feel that 30 pages is too long and would take too much time for higher education providers to compile – two institutions suggest a shorter document of 20-25 pages as more suitable. Both of these institutions have more than 10,000 students. Of those that note the limit is too short, this is primarily in reference to the three-page limit for the summary (six, 5%), and instead suggest a slightly longer four- to five-page limit to incorporate sufficient detail.

I wonder whether a shorter document may be required so that this is not adding to the level of bureaucratic demands [that] universities are already subjected to. – Individual

However, some respondents raise issues with the proposal. Around one quarter of those commenting on this question (36, 28%) feel that more clarity is required on which strategies or interventions providers should include within their APP. A handful (seven, 5%) suggest that the OfS could offer more information on the level of detail required, including the number of interventions, what is classed as an intervention and whether to include an outline of the conditions of each intervention (time, place, context, and so on), so that others know whether it is replicable or not. Concern was also raised on what approach should be taken by providers of different sizes, with a few respondents noting providers who have undergone mergers or large-scale systemic projects – such as student success initiatives – may need more individual guidance. This is a concern raised primarily by higher education providers and sector representative bodies.

A further 22 respondents (17%) believe there should be more flexibility within this proposal, particularly in terms of strategies for inclusion within the APP being open to adaptation or change in response to external or internal factors such as emerging risks to equal opportunity research, and to allow for provider creative autonomy with the strategy content. One sector representative body notes this is needed if providers are to commit to plans two years in advance.

Of the remaining respondents who note concerns, 21 (16%) believe the new plan could lead to administrative and regulatory burdens, particularly for smaller providers.

Additionally, 20 (15%) feel that the public and students are unlikely to engage with such a document, regardless of whether it is made accessible.

While we can see some purpose in a clear and simple summary of APPs, we do not believe that prospective students – particularly those for whom higher education is a marginal likelihood – will realistically use them in decision-making. The only element of an APP that might be of practical use in this regard would be a clear and simple statement of admissions policy including whether contextual admissions will be used, on what grounds, to what extent and for what courses. – Sector representative body

Some (seven, 5%) additionally note the publication of financial support and eligibility criteria is particularly welcomed, although two would like to see greater transparency around tuition fees and funding administered by third parties.

### 2.3.2 Suggested alternative approaches to proposal 3

Respondents were then asked if they believe the OfS approach should differ, and 65 comments were received.

Two in five of those who answered this question (26, 40%) believe that further clarity is required. In particular, organisational respondents ask for guidance from the OfS relating to its (the OfS') expectations for:

- the number and level of strategies and/or targets each provider includes in their APP (six, 9%),
- the level of detail needed to be included (five, 8%),
- how providers of different sizes should approach submission (two, 3%), and
- what success might look like for each goal (two, 3%).

An additional seven organisations (11%) request further details regarding how much information is required, and exactly what content should be included. A handful of higher education providers and sector representative bodies also request more information on how to make the summary accessible to all members of the public.

Ten respondents (15%) – nine of which are higher education providers of varying sizes – offer suggestions relating to potential changes to the template or structure of the APP, particularly regarding the summary. They note that video, infographic or web-based resources may be more accessible to students rather than just a written summary document.

The OfS may want to consider encouraging providers to make a video or another alternative accessible media in addition to the summary to further aid accessibility. – Sector representative body

A few respondents (10, 15%) believe the page limit should be altered. Five feel the page limit for the APP as a whole should be decreased to increase accessibility and reduce the administrative burden for smaller providers. The remaining five respondents believe the summary should be extended to four pages in length to allow for greater detail.

Other potential changes suggested by a small number of respondents include:

- increasing flexibility within the structure of the APP document to allow for provider creativity and autonomy (six, 9%),
- ensuring that higher education providers are sufficiently transparent regarding student fees for prospective applicants (five, 8%), and
- increasing accessibility by directly delivering the plan to students (five, 8%).

## 2.4 Proposal 4: Targets

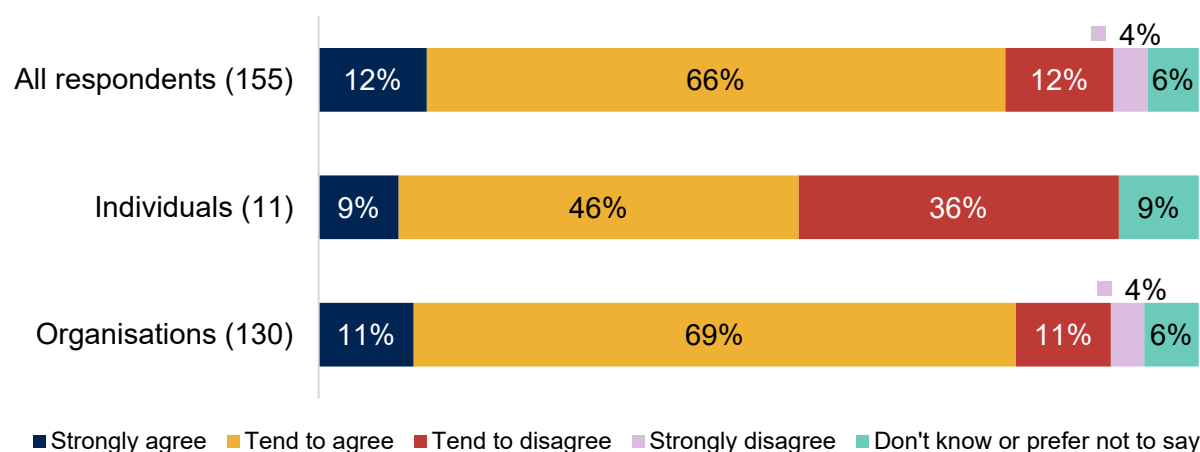
### Summary of Proposal 4: Targets

- The OfS proposes that objectives should be translated into numerical targets with measurable outcome-based milestones set over the duration of a plan.
- Targets should be captured in a targets and investment plan.

#### 2.4.1 Extent of agreement with proposal 4

Respondents were asked the extent to which they agreed with the proposals relating to targets. Around four in five (121, 78%) strongly agree or tend to agree, while around one in six (25, 16%) tend to disagree or strongly disagree. The remaining 6% (nine) are unsure or prefer not to say. Agreement levels are noticeably higher among organisations (103 of 130, 80%) compared to individuals (six of 11, 55%).

**Figure 5 Extent of agreement with proposal 4 relating to targets, by individuals and organisations**



By organisation type, agreement levels are highest among higher education providers (80 of 96, 83%) and lowest among third sector and private organisations (six of 11, 55%). Agreement levels are similar among higher education providers across the different regions. Meanwhile, agreement levels are higher among higher education providers with fewer than 10,000 students (26 of 29, 90%) than those with more than 10,000 students (49 of 61, 80%).

Respondents were asked to provide an explanation for their answer, and 139 comments were received. Around two in five of all commenting (58, 42%) believe the suggested proposal is a good plan, with a handful of higher education providers noting it is in line with their current APP.

However, almost one half of those commenting (64, 48%) feel that more guidance is needed for how the proposal will be implemented. This is specifically in terms of the numerical targets, for example, to detail:

- OfS expectations in terms of collaborative targets with other providers (14, 11%),
- how risks will be avoided, such as duplication of content or burdens on smaller providers (12, 9%),
- how consistency will be maintained with this new format (nine, 6%),
- how local considerations and context will be taken into account, such as regional differences (nine, 6%),
- what the expectations from the OfS are in terms of the size and scale of the targets (seven, 5%),
- how such targets will be achieved (five, 4%),
- how benchmarks will be used (two, 1%), and most importantly,
- how and what current targets will be translated into numerical form (15, 11%).

Thirty respondents (22%) also request greater clarity on exactly how raising attainment at pre-16 level will be measured, and to understand OfS expectations around targets on this point. Of the 18 higher education providers noting this, the majority (13, 72%) have more than 10,000 students.

Further guidance would be welcome on the setting of targets, and OfS assessment of targets. Potentially, a number of short- or medium-term SMART targets could be attributed to each objective for each intervention strategy. It is unclear whether providers are to use the objective as the main target, formulated using the OfS APP dashboard data (with progress evidenced by meeting the short- or medium-term targets) or whether

providers are expected to have a much higher number of targets. – Higher education provider

A little over a tenth of respondents (22, 16%) – mainly higher education providers with fewer than 10,000 students – raise other concerns about aspects of this proposal, which they feel may potentially be unfeasible. Twenty (14%) believe that numerical targets are difficult to quantify, particularly for small providers who may not have the supporting numbers to justify the associated targets. This group suggests that there is a risk that the OfS proposed approach to targets will lead to inconsistency across provider sites, with potential duplication of target aims, or increased confusion when applying targets using this new approach.

Further to this, an additional 16 respondents (12%) feel that qualitative targets are also required to 'capture a target's impact in its complexities and nuances', and to ensure no targets are missed. They suggest this could be through contextualised case studies.

As a small and specialist institution, it is not always appropriate to measure progress through numerical targets only, owing to small numbers. – Higher education provider

Some of those commenting (17, 12%) perceive a need for greater flexibility within this proposal. Specifically, higher education providers of varying size note that they would welcome more autonomy with the types of target set. This is particularly in situations where providers have contextualised aims they wish to achieve (unique to their institution), or targets that may fluctuate year-on-year for smaller providers.

Regarding the measurable outcome-based approach, some respondents (eight, 6%) believe clearer guidance is needed in terms of how this is monitored. One higher education provider additionally notes more clarity is needed in terms of how progress might be measured if targets shift, for example owing to variations in learner populations.

A small number (seven, 5%) also comment that they appreciate the move away from national targets, noting how this allows providers to develop targets based on their own assessment of performance.

#### **2.4.2 Suggested alternative approaches to proposal 4**

Respondents were then asked if they believe the OfS approach should differ, and 67 comments were received.

The topic of numerical targets is discussed by over one third of those commenting (25, 37%), primarily higher education providers. They note that numerical targets can be restrictive, and do not engage in longer-term systematic change as some initiatives may be too difficult to quantify numerically. This is felt to be a particular problem for smaller providers who may have fluctuating equality aims, or issues collaborating strategically with other providers. Seven (10%) feel that targets should be measurable and outcome-based, which they believe may not be possible within a numerical target system.

A total of 19 organisational respondents (28%) suggest additional targets could be included within the proposal and the APP. Of these respondents, 11 note that collaborative targets could be incorporated, owing to the importance of cross-provider collaboration in ensuring consistent equality.

Given the importance of collaboration in the sector's ability to impact progress towards equality of opportunity, all providers should be required to set at least one collaborative target, with a national programme, such as Uni Connect facilitating this (where collaboration is regional). – Other organisation

Around one in five of those commenting (13, 19%) – including sector representative bodies and higher education providers – feel more guidance is required within this proposal.

Specifically, they would welcome greater clarity in:

- how providers will meet raising pre-16 attainment targets (that is, number of learners) (nine, 13%),
- what pre-16 raising attainment goals look like (five, 7%),
- what may occur if targets are not met (two, 3%), and
- how cross-provider and cross-sector consistency will be maintained (two, 3%).

Greater clarity and clearer guidance in these areas – including solid examples – would help providers contribute more effectively. – Sector representative body

In addition, some of those commenting (11, 16%) believe the proposal should include more local context, noting that variations in targets may occur owing to geographic location or provider situation. Of the respondents noting this, eight are higher education providers – five of which have fewer than 10,000 students.

We would argue strongly for regional context to be at the heart of the creation of targets to properly realise the vision within these proposals. – Higher education provider

## 2.5 Proposal 5: Evaluation

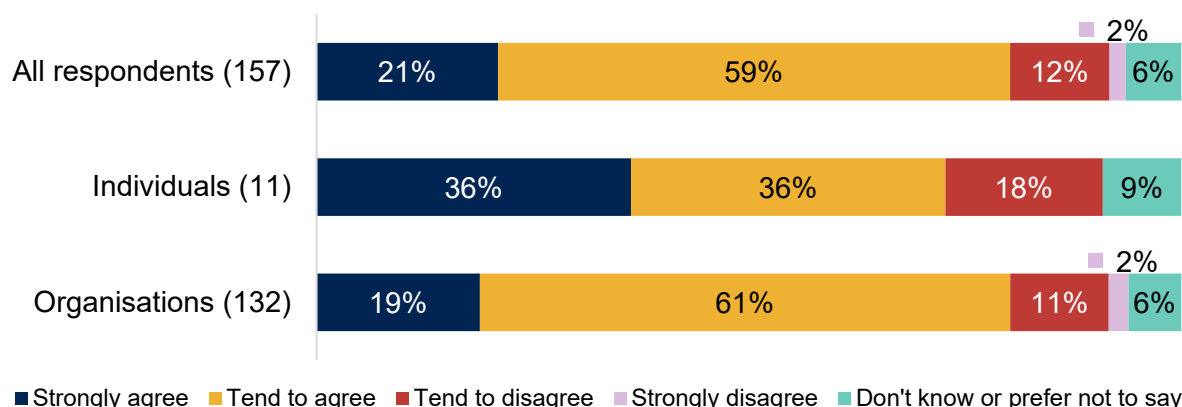
### Summary of Proposal 5: Evaluation

- The OfS proposes that a provider should be expected to significantly increase the volume and quality of evaluation across its access and participation activity.
- The OfS proposes that a provider should be expected to supply more information about what it will evaluate and when.
- The OfS proposes that a provider should be expected to set out how and when it intends to publish its evaluation results.

#### 2.5.1 Extent of agreement with proposal 5

Respondents were asked the extent to which they agreed with the proposals relating to evaluation. Four in five (126, 80%) strongly agree or tend to agree, while around one in seven (21, 14%) tend to disagree or strongly disagree. The remaining 6% (10) are unsure or prefer not to say.

**Figure 6 Extent of agreement with proposal 5 relating to evaluation, by individuals and organisations**



By organisation type, agreement levels are highest among student representative bodies (five, 100%) and lowest among sector representative bodies (seven of nine, 78%). Responses are similar across higher education providers by region, with the exception of the West Midlands having lower agreement levels (six of 10, 60%). Meanwhile, agreement levels are higher among higher education providers with fewer than 10,000 students (27 of 29, 93%) than those with more than 10,000 students (46 of 64, 72%).

Respondents were asked to provide an explanation for their answer, and 138 comments were received. Those in agreement welcome the emphasis given to evaluation, particularly in terms of making activities stronger and more robust. Around two in five (58, 42%) feel that effective and relevant evaluations, and impact and outcome studies should be the driving forces behind an APP for it to be successful.

Just under one third of those commenting (44, 32%) feel greater clarity is needed within the guidance provided. This is predominantly noted by higher education providers with more than 10,000 students who would welcome further detail on how specifics such as 'significant increase' are quantified, what the OfS expectations are for the timing and length of evaluation, what a 'robust evaluation' looks like, as well as seeking additional details relating to the evaluation content.

Several (26, 19%) request additional guidance in areas such as intermediary measures, examples of what good evaluations look like, what different evaluations may look like for different contexts and/or cohorts, and how and where evaluations will be published.

We feel that, as a sector, we need more support and guidance on the OfS expectation of evaluation which we can use to leverage more resources...There is also a question around the amount of evaluation that is expected to be delivered. We also require additional information in terms of how evaluation is conducted (ethics approval, for example) and knowing how/where evaluation is going to be published. – Sector representative body

Three in ten (41, 30%) – predominantly higher education providers with more than 10,000 students and sector representative bodies – say that the resources required to conduct these robust evaluations should be given greater consideration as the OfS develops this proposal. This group notes that the suggested substantial increase in evaluation activities has the potential to be (overly) demanding for providers, particularly for institutions already undertaking extensive, high-quality evaluations. Some (16, 12%) specifically note that smaller and specialist institutions may find it more difficult to resource these proposed activities, and others (23, 17%) say the burden may be disproportionately higher on smaller



higher education providers than larger ones which typically already have resources in place. Seven (5%) also note that the requirement that providers 'should be expected to significantly increase the volume and quality of evaluation across its access and participation activity' should be reconsidered for smaller providers who may not be able to drastically increase their evaluation reach. The administrative burden on all institutions, regardless of size, is a factor in many respondent answers (34, 25%).

While we tend to agree with most of this, for a small institution, the phrase 'should be expected to significantly increase the volume and quality of evaluation across its access and participation activity' is worrying. The institution is restrained by its financial and resources burden, and the OfS would need to consider this expected increase of workload. – Higher education provider

Additionally, around one quarter (30, 22%) believe that the expertise required across the sector to undertake evaluations on this scale could be an issue. One respondent notes that the OfS should be aware that many higher education providers will be required to hire new staff to cover these requirements, and in doing so would stretch an already thin talent pool.

The publishing element of the evaluation is discussed by one quarter of those commenting (34, 25%). Some state that the platform for publication is not clear currently, others question whether the OfS and/or TASO<sup>5</sup> would organise a platform or a central repository, and some were unclear as to what type of publishing would be acceptable (website, academic journal, and so on). Nine (7%) would welcome greater clarity on how the OfS plans to handle evaluation data as part of the publishing process.

It is unclear what the OfS means by publication. Is there an expectation that these will be academic papers with the rigour of research methodologies and academic referencing, or will they be evaluation reports/case studies/conference presentations/blogs and so on, which are likely to be more accessible and useful to practitioners? Where will these publications be published? Are providers expected to develop their own platforms or publish through their own website? If so, how will these be accessible to others? Will the OfS develop its own platform to publish outcomes or will this be done through the TASO platform? – Higher education provider

Ten respondents (7%) express concern that the proposed requirements to 'significantly increase' the volume of evaluations conducted could potentially lead to a reduction in the quality and effectiveness of the intervention content. A further six (4%) believe that more details are required in terms of the strategic content that is included and how evaluation plans could or should adapt over the course of the new APP period.

### 2.5.2 Suggested alternative approaches to proposal 5

Respondents were also asked if they believe the OfS approach should differ, and 77 comments were received. Over one third (28, 36%) have specific suggestions as to how the approach could differ.

Around one in five (14, 18%) feel that guidance could be clearer for the specifics of the evaluations, including the level, content and volume of evaluation required. Higher

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<sup>5</sup> The Centre for Transforming Access and Student Outcomes (TASO) in Higher Education is an independent hub – set up in 2019 and funded by the OfS on an initial grant until 2023 – for higher education professionals to access research, toolkits and evaluation guidance to eliminate equality gaps.

education providers and sector representative bodies seek clarity on particular phrasing within the proposals including, for example:

- to define what 'more information' entails within 'We propose that a provider should be expected to supply more information about what it will evaluate and when', and
- to define how 'significantly increase' may be quantified within 'We propose that a provider should be expected to significantly increase the volume and quality of evaluation across its access and participation activity'.

The recommendation is broad and unspecific, the use of terms such as 'significant increase' and 'more information' are unhelpful in regulatory guidance. There should be a clear statement of what this 'significant increase' would mean in practical terms as otherwise it is not possible to meaningfully evaluate what is being proposed. – Anonymous respondent

Some (13, 17%) request examples of good practice and real-world examples of evaluation plans, and six (4%) believe a framework or template is needed. A further seven (4%) feel the OfS should clarify which aspects of the evaluation analysis will need to be published, and where and how this will be available.

Several (14, 18%) mention the OfS and/or TASO directly. Some would like to see TASO more involved or to provide more examples of good evaluation. Additionally, some request the OfS to confirm future funding arrangements for TASO. Others note that TASO could be a good option to create a central repository where evaluations can be published.

TASO is a vital component of the higher education evaluation landscape, therefore consideration should be given to how TASO's planning and/or tender cycles can be aligned with the OfS, enabling more providers to engage with TASO expertise and opportunities. – Higher education provider

Some (nine, 5%) believe that smaller providers with less evaluation resource could be provided with additional support, for example if the OfS were to provide an evaluation template and a clearer outline of its expectations. Additionally, eight (5%) feel that current economic pressures, coupled with the size of smaller providers, could potentially decrease the capacity and capability that these providers may have to grow evaluation at pace, and would welcome the OfS giving consideration to what support could be provided for this.

## 2.6 Proposal 6: Investment

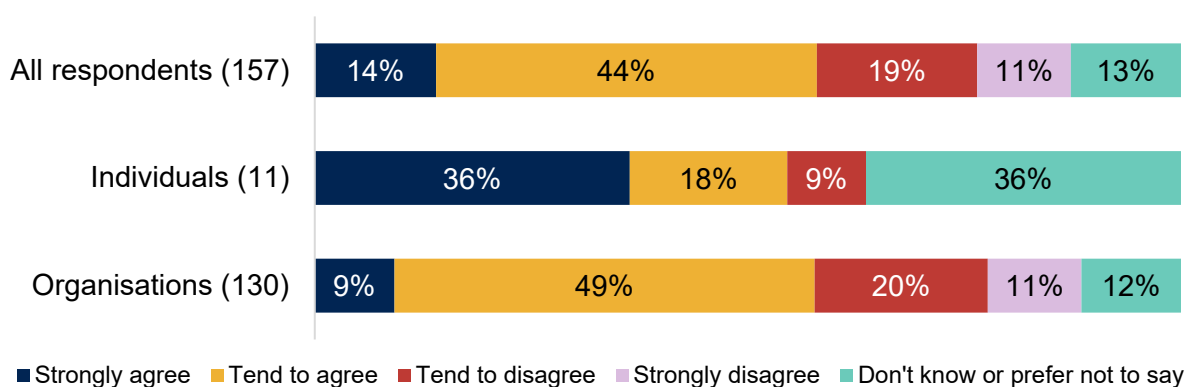
### Summary of Proposal 6: Investment

- The OfS proposes that a provider should be expected to include information on how much it is investing in each intervention strategy.
- The OfS proposes to no longer ask a provider for information on access investment in the targets and investment plan document.
- The OfS proposes to continue to ask a provider for information on financial support and research and evaluation investment in the targets and investment plan document.

### 2.6.1 Extent of agreement with proposal 6

Respondents were asked the extent to which they agreed with the proposals relating to investment. Around three in five (91, 58%) strongly agree or tend to agree, while three in ten (46, 30%) tend to disagree or strongly disagree. The remaining 13% (20) are unsure or prefer not to say. Disagreement levels are noticeably higher among organisations (40 of 130, 31%) than individuals (one of 11, 9%), while a higher proportion of individuals do not know or prefer not to say (four, 36%) compared to organisations (15, 12%).

**Figure 7 Extent of agreement with proposal 6 relating to investment, by individuals and organisations**



By organisation type, agreement levels are highest among higher education providers (60 of 96, 62%), sector representative bodies (six of ten, 60%) and student representative bodies (three of five, 60%) and lowest among third sector and private organisations (three of 11, 27%) – although over half (six, 55%) of this latter group are unsure or prefer not to say.

By higher education provider region, agreement levels are highest in the East Midlands (six of seven, 86%) and North East (four of five, 80%) and lowest in the West Midlands (three of 10, 30%) and South West (five of 10, 50%).

Respondents were asked to provide an explanation for their answer, and 127 comments were received. Around three in five of those commenting (72, 57%) feel that a flexible approach to funding is positive to ensure that each intervention strategy can be delivered and adapted to the best of its ability. Some also state that this will allow a focus on achieving outcomes and will reduce the administrative burden.

Around one third (41, 32%) of those commenting raise concern with aspects of the proposal, and in particular seek greater clarity on:

- what is required from providers when it comes to investment, particularly in relation to disaggregating between spend on different areas and interventions (13, 10%),
- how provider investment data will be used and published (10, 8%),
- what level of detail will be required for the investment data (seven, 6%), which was a particular area of interest for six providers with more than 10,000 students, and
- how investment data is linked to outcomes.

Additionally, specifically in relation to this proposal, five (4%) respondents would like to understand better the OfS rationale behind this proposal, for example for separating between provider spend on different areas or types of intervention, and the OfS' overall expectations of providers.

It would be helpful to have more guidance on what level of detail will be required for the investment in interventions (for example, level of transport costs). It is also unclear how the data requested for the 'intervention

strategies' will be used. For example, judgments could be made about the level of investment, without understanding of context, and used to generate league tables/comparisons. – Higher education provider

Just under three in ten comments (37, 29%) flag potential challenges related to the proposal, including providers struggling to accurately predict their spend, or lacking sufficient resources to effectively deliver to the OfS requirements. They note that preparing and providing disaggregated information on spend will be more time consuming, and eventually lead to the cost of collecting this data being 'disproportionate to the benefit'. Some (nine, 7%) highlight challenges this proposal might present for small and specialist providers, indicating these providers may experience additional burden in order to meet the proposal's ambitions, particularly in light of separating between spend on different areas and specific interventions.

We agree that HEPs [higher education providers] should be clear on their financial commitment to WP work to demonstrate credible resource. We question the necessity of including indicative funding against each intervention strategy, as this may create unnecessary boundaries to the overall effort to meet ambitions. We suggest overall investment against lifecycle strands would be better placed in the investment plan. – Higher education provider

Around one in six comments (19, 15%) specifically mention that the proposal has potential to create a burden for them, in terms of administrative work, lack of staff to deliver it and current financial circumstances impacting their operation.

The remaining comments (11, 9%) state that it is unclear how the OfS will regulate spend with the removal of the committed access investment as this provided 'ring fenced' spending, increased risk of 'value for money' and 'quick win' drivers, which some describe as ambiguous.

### **2.6.2 Suggested alternative approaches to proposal 6**

Respondents were also asked if they believe the OfS approach should differ, and 58 comments were received. Around one fifth of those commenting (13, 22%) – mainly higher education providers – believe that some changes in reporting are needed compared to what the OfS proposes. Some would like more detail on how institutional spend linked to participation is reported. Others are not supportive of removing the need to report on overall spend on access activity.

A similar proportion (13, 22%) – comprising higher education providers and sector representative bodies – mention either that spend on APP activity and access in particular should be protected, or that APP plans should continue to provide information on access investment in targets and investment plans.

Several (11, 19%), of which six are providers with more than 10,000 students, refer to flexibility within the approach, noting that institutions are not all the same in terms of their size and operation. There are also requests to be able to change spending priorities to react to current events, including recovery from the impacts of the COVID-19 pandemic and coping with the ongoing cost of living crisis.

Some comments (seven, 12%) relate to budget planning. These respondents believe that developing budgets and estimating costs for the next few years will be difficult given the current financial climate and call for more flexibility in this respect, for instance by a provider outlining the base level of funding it intends to provide as a percentage rather than a nominal value.

A handful of comments (six, 10%) – mainly higher education providers – seek more clarity on the OfS expectations relating to investments, noting these should be tailored to provider size.

Finally, some (five, 9%) have concerns that the proposal may increase the administrative burden on institutions, particularly smaller institutions.

Providing investment details at an intervention level is hugely complex and burdensome for providers at all stages of the student lifecycle. Flexibility also needs to be afforded in changing spending priorities to react to current events. Universities need to be able to monitor and update investment decisions quickly and without unnecessary burden. – Higher education provider

## 2.7 Proposal 7: Raising attainment in schools and collaboration

### Summary of Proposal 7: Raising attainment in schools and collaboration

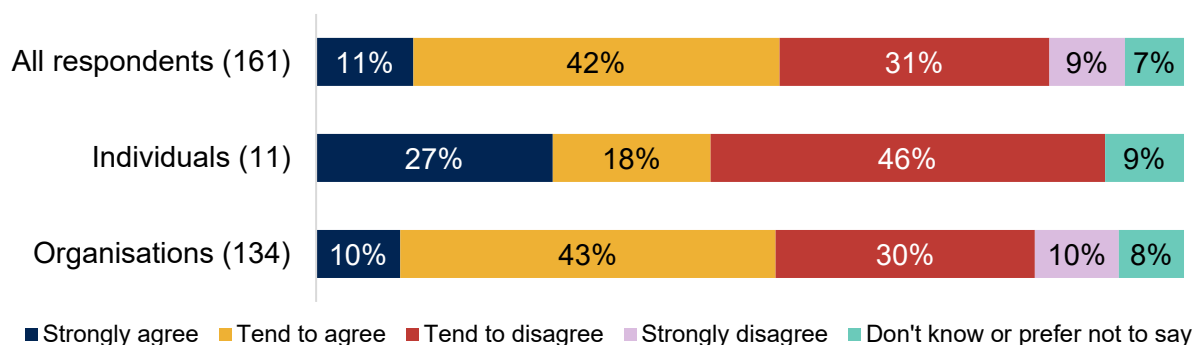
- The OfS proposes that there are key sector-level priorities in the EORR that it would expect to be reflected in the majority of APPs. In particular, the OfS expects providers to address in their plan the key sector-level priority on raising pre-16 attainment in schools through the development of strategic partnerships with schools.
- The OfS invites feedback on how the OfS could support providers to develop strategic partnerships to raise attainment in schools.
- The OfS also invites feedback on how the OfS might use other tools, such as funding, evidence of effective practice and its convening powers to support collaboration and partnership, to address core risks to equality of opportunity.

Readers should bear in mind when reading this section that no responses from schools were received for this consultation.

### 2.7.1 Extent of agreement with proposal 7

Respondents were asked the extent to which they agreed with the proposals relating to raising attainment in schools and collaboration. About half (86, 53%) strongly agree or tend to agree, while two in five (64, 40%) tend to disagree or strongly disagree. The remaining 7% (11) are unsure or prefer not to say.

**Figure 8 Extent of agreement with proposal 7 relating to raising attainment in schools and collaboration, by individuals and organisations**



By organisation type, agreement levels are highest among third sector and private organisations (eight of 12, 67%) and lower among higher education providers (51 of 99, 51%). Agreement levels vary across higher education providers by region, being highest in the East Midlands (five of seven, 71%) and Yorkshire and the Humber (six of nine, 67%) and lowest in the West Midlands (three of 10, 30%) and South West (four of ten, 40%). Meanwhile, agreement levels are higher among higher education providers with more than 10,000 students (38 of 64, 59%) than those with fewer than 10,000 students (11 of 29, 38%), with most of this latter group disagreeing (17, 59%).

Respondents were asked to provide an explanation for their answer, and 141 comments were received. Over half (72, 52%) discuss partnerships between higher education providers and schools, with around one fifth (26, 18% of all those commenting) highlighting existing relationships that are either facilitated through the Uni Connect program or independently. Respondents who both agree and disagree (26, 18%) with this proposal suggest the OfS should utilise and commit to the existing Uni Connect programme and infrastructure to facilitate partnerships for raising attainment in schools. This is predominantly raised by higher education providers with more than 10,000 students (16, 11%) who have existing partnerships established through the Uni Connect framework. Some (15, 11%) believe successful partnerships should be considered within APPs and should not be neglected in light of new partnership requirements. A handful (10, 7%) encourage the OfS to consider community groups and non-school settings within its approach to understand the best ways to raise attainment and engagement within schools.

Working with existing partnership schools through access/outreach/ITT partnerships so that schools can embed offered support (CPD, targeted teacher training interventions) into their school improvement plans is a better mechanism for partnerships rather than HEIs [higher education institutions] defining targets. – Higher education provider

Further clarification of providers' role in forging partnerships and delivering attainment-raising measures is requested by around half of those commenting (67, 48%) – this is most frequently raised by higher education providers with more than 10,000 students (38, 27%). Respondents question the necessity of raising attainment targets within provider APPs, arguing that expertise lies within the schools, whereas higher education providers have expertise in raising aspiration and awareness.

Working strategically with schools is a sensible approach and something we have been doing for several years. While some focus on attainment-raising activity may be helpful, we should not overlook other areas where universities can support good educational outcomes. With limited resources, we need to avoid diverting all time and funding away from

interventions that work, in favour of focusing solely on attainment-raising activity. – Higher education provider

Over one quarter (40, 28%) discuss the types of attainment-raising and measurement of targets within the proposal. They highlight that targets should not be limited to academic progress in Maths and English but should include other subjects. One higher education institution raises concerns that attainment-raising targets risk a focus on exam skills which may detract from wider enrichment activities.

One quarter of those commenting (35, 25%) raise concerns around funding. Higher education providers note a potential of contradiction and conflict if student tuition fees are used to finance raising attainment in schools while students themselves may struggle with access and participation. They fear that pressures to fund raising attainment in schools may diminish resources and support for their own students and would welcome financial support from the OfS to deliver this proposal.

A similar proportion (35, 25%) seek clarity and provide suggestions around improving the impact and methodology of this proposal, including more detailed information and guidance to support its delivery and in relation to partnership forging, and methods for measuring provider performance. Respondents suggest a wide range of factors that impact a young person's attainment level, including those outside a school setting, should be considered.

Just under one in five (26, 19%) raise concerns regarding interventions for small or specialist providers. Small cohorts and specific entry requirements can create difficulties for providers when measuring attainment-raising progression owing to limited data resources and missing relevant skill sets to support pre-16 attainment-raising initiatives. They suggest that requirements for such providers could include other measures of success, such as providing opportunities for teacher training or raising aspirations towards studying other subjects within their expertise.

Specialist arts institutions for example may have limited expertise to raise attainment in maths and English but could usefully raise aspirations towards studying more creative subjects. – Sector representative body

Supporting pupils from disadvantaged backgrounds is discussed by around one fifth of those commenting (25, 18%), who emphasise that it is imperative to address barriers to accessing higher education and suggest the DfE – with its knowledge and expertise – should act as a key driver to support this.

Some (11, 8%) – predominantly higher education providers – are concerned about timeframes, highlighting that successful partnerships can often take years to develop, and perhaps not within the timeframe to deliver EORR targets. More time is also requested between EORR release and submission deadline to allow sufficient time for analysis, development and consultation.

### **2.7.2 OfS support for providers to develop partnerships**

Respondents were then asked how the OfS might support providers to develop strategic partnerships to raise attainment in schools, and 125 comments were received.

Over one third (44, 36%) believe that Uni Connect partnerships should be utilised as strategic partnerships owing to its existing infrastructure which provides resources that support relationship management, evaluation and data management, and communication and brokerage channels. Respondents also outline how current funding timeframes for Uni Connect do not align with the four-year APP cycle, and request the OfS reconsiders funding for Uni Connect and a continued commitment to its delivery.

The Uni Connect partnerships have already established collaborative partnerships between groups of HEPs [higher education providers] and schools. Therefore, the OfS should encourage providers to work closely with their Uni Connects who can provide an overarching infrastructure to support relationship management, evaluation and data management, communication channels, brokerage and needs analysis. – Higher education provider

One third (41, 33%) discuss the importance of communication to deliver this proposal, not just with schools, but also with the DfE and Ofsted, as well as third-party organisations with expertise in raising engagement and attainment for vulnerable people – this is noted predominantly by higher education providers with more than 10,000 students (23, 18%). Some (13, 11%) request further guidance from the OfS to outline its expectations around deliverables and targets, and to provide advice on the scale of activities offered within APPs.

Support for raising attainment, accountability and targets is requested by one fifth of those commenting (24, 20%) particularly around accessibility of data for use by schools to evaluate their programmes, and for the OfS to clarify which themes would meet attainment-raising targets. Higher education providers emphasise the need to align school targets with their own to reduce burdens and recommend that the OfS works closely with the DfE to allow data sharing between schools, existing DfE databases and providers to enable this.

One in six (20, 16%) believe support offered by the OfS should be tailored to regional needs, rather than nationalised, emphasising how this contextual approach will allow an efficient use of resources and enable providers and schools to effectively address cold spot areas.

Several (18, 15%) respondents seek further guidance on strategic partnerships, querying how these will work to improve attainment-raising in practice and whether they include issues such as tackling non-academic barriers, CPD/teacher training or wider academic engagement. They also note that successful strategic partnerships require long-term commitments and funding, meaning that sufficient resourcing is required to enable partnerships. Respondents note that existing, successful partnerships (beyond Uni Connect) should not be discredited in the delivery of new APP requirements. Higher education providers with fewer than 10,000 students most frequently discuss strategic partnerships (seven, 38%), emphasising a need to recognise existing successful partnerships and foster collaborations that enable specialist institutions to provide appropriate support.

Some (16, 13%) question the role of higher education providers in raising attainment in schools, questioning whether they are best placed to provide informed support. One higher education provider suggests that schools could take the lead within partnerships to inform providers how best to support and facilitate attainment-raising.

A handful (14, 11%) discuss proposals for providing targeted funding for the delivery of impartial programmes aimed at raising attainment in schools, who highlight that new requirements will not be supported by current resources, and that additional funding support from the OfS is welcome to support delivery.

Providing examples of good practice and successful collaborations will allow higher education providers and schools to understand how the partnerships could work, as noted by one in ten commenting (14, 11%), and this could lead to more successful partnerships.

A handful (10, 8%) feel that responsibility for managing school engagement when developing strategic partnerships falls with the OfS.

### **2.7.3 Support to help foster collaboration**

Respondents were next asked what support would help foster collaboration between higher education providers, schools and colleges around information advice and guidance (IAG), outreach and attainment-raising, and why. A total of 123 comments were received.



Around two in five (50, 42%) feel that continued delivery of the Uni Connect programme would help foster collaboration between higher education providers, schools and colleges, noting that the existence of an impartial, collaborative organisation has made it possible to offer advice to students across a wide geographic area and a range of schools located in areas of low participation. Such partnerships have also allowed institutions to forge regional IAG tailored to the needs of each area, as well as developing connections with third parties and charities that offer IAG and outreach advice. Higher education providers with fewer than 10,000 students more commonly suggest working with existing Uni Connect partnerships.

Using an impartial partner, such as Uni Connect, can help all HEP providers across the region and nationally. A regional network can ensure the knowledge of the diversity of pathways including apprenticeships and other routes to level 4 qualifications. – Other organisation

Just under one third (38, 32%) provide details of IAG support that may help foster collaboration and attainment-raising, with two key themes arising. First, respondents highlight the need for a collaborative approach that uses existing expertise and to avoid duplication. Respondents emphasise that IAG should be accessible and easy to navigate for all school leaders, as designed through a collaborative approach.

Second, several (15, 13%) highlight the need for careers IAG and emphasise the need for dedicated careers services within schools. Two higher education providers note the importance of providing careers IAG on an equal footing to all pupils nationally. Around one in six (22, 18%) believe that improved access to data will provide support for fostering collaboration, stating the OfS could have a role in this regard to provide access. Others suggest the OfS could work closely with the DfE, higher education providers and the Uni Connect programme to collate all relevant data and provide a centralised database to promote data sharing, reduce the risk of duplication and support providers to deliver against targets.

Potential barriers to partnerships are discussed by around one in six (22, 18%) with around half referencing limitations owing to a lack of resources, especially with regard to time and staffing resources within schools. Some respondents voice that schools in low-progression areas may be less likely to engage with IAG and careers advice if their resources are focused elsewhere and suggest this is a barrier the OfS addresses through establishing communication with other education authorities, such as the DfE, or through workshops and case studies to demonstrate the value of collaborative working.

Some (10, 8%) suggest that additional funding from the OfS would be welcome to reduce barriers to partnerships, specifically to support institutions to form successful strategic partnerships to promote raising pre-16 attainment.

The level of funding will directly affect the impact of raising-attainment programmes, and without a clear expectation set out by the OfS on the role and/or level of funding they expect to see from providers, our concern is that the ambition, impact and longevity of any initiative will be minimised. The uncertainty around this currently will deter schools from engaging. – Higher education provider

Some higher education providers (11, 9%) request further information from the OfS around its expectations of providers and their role within the intervention. They would welcome understanding how best to deploy school engagement activities, and how to ensure schools and colleges have sufficient resources to engage with the agenda. This concern is raised more frequently by higher education providers with more than 10,000 students (nine, 82%) who seek guidance of the OfS expectations for the delivery of this work.

Some (seven, 6%) feel the OfS communication with school leadership teams and teachers within the formation of this proposal is detrimental to its success. They say that schools should have the opportunity to identify preferred methods of action and suggest forming collaborative networks with higher education providers through forums and conferences.

A few (six, 5%) request access to examples of best practice of methods for fostering collaboration between schools and higher education providers, arguing that an evidence-based approach for its delivery will ensure good practice and provide confidence for providers who may be less familiar with this.

#### 2.7.4 Suggested alternative approaches to proposal 7

Respondents were also asked if they believe the OfS approach should differ, and 53 comments were received. Two in five (21, 40%) feel that higher education providers should be involved with attainment-raising initiatives, but that this should not be measured through targets within APPs – one provider suggested this could instead be placed as an annex to APPs.

Over a quarter of those commenting (15, 28%) highlight the existing infrastructure and partnerships established through the Uni Connect program. Respondents suggest the OfS uses these existing partnerships to assist in the delivery of this proposal. Four respondents further suggest that the funding timeframe for Uni Connect be realigned to coincide with the APP timeframe so existing partnerships can be integrated.

Reconsideration of funding approaches for the delivery of raising attainment in schools is suggested by a handful of respondents (eight, 15% – five of which are higher education providers with more than 10,000 students), who note that successful collaborations require substantial investment, highlighting how schools and providers face budget and resourcing pressures, and how sufficient support is required to achieve targets. Higher education providers also say that funding streams that rely on tuition fees is inappropriate and suggest the OfS could source funding for this element.

Raising attainment can and should be an important element of access and participation work but if we invest all resources towards this one aspect of outreach, we risk having to make cuts to other effective practice. – Higher education provider

A similar number (eight, 15%) call for a more collaborative approach to raising pre-16 attainment, arguing this will ensure schools receive a broader offer of support. They also believe a collaborative approach is more cost-effective and more efficient by allowing institutions to achieve more than they could alone.

Eight respondents (15%) feel that the focus on raising attainment may detract from other focuses. In addition, they emphasise that attainment-raising initiatives need to go beyond provider-school partnerships to address current systematic issues, including school funding and resource limitations and barriers for university admissions for families from disadvantaged backgrounds.

A handful (seven, 13%) suggest other areas for consideration, including:

- providing more detail on what the OfS expects to be provided besides APPs (four, 8%),
- referencing other ways of addressing raising attainment (one, 2%),
- reconsidering whether to 'name and shame' universities which might inhibit strategic partnership work (one, 2%), and
- including wording such as 'supporting' or 'collaborating' within the proposal to help raise attainment in schools to remove the implication that the higher education sector has the ability to intervene and effect change itself (one, 2%).

## 2.8 Proposal 8: Assessment process

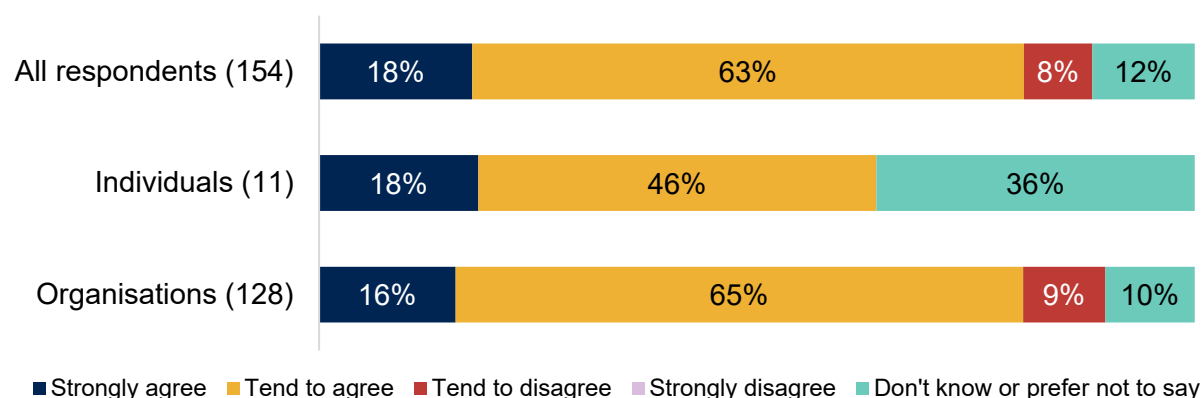
### Summary of Proposal 8: Assessment process

- The OfS proposes that it will use the published access and participation data dashboard and other contextual provider data to conduct an analysis of provider data, to understand provider context during the APP assessment process.

#### 2.8.1 Extent of agreement with proposal 8

Respondents were asked the extent to which they agreed with the proposals relating to the assessment process. Just over four in five (124, 81%) strongly agree or tend to agree, while some 8% (12) tend to disagree. The remaining 12% (18) are unsure or prefer not to say. Organisations demonstrate a higher level of agreement (103 of 128, 80%), than individuals (seven of 11, 64%), and a higher proportion of individuals do not know or prefer not to say (four, 36%) compared to organisations (13, 10%).

**Figure 9 Extent of agreement with proposal 8 relating to the assessment process, by individuals and organisations**



By organisation type, agreement levels are highest among student representative bodies (five, 100%) and higher education providers (82 of 96, 86%) and lowest among third sector and private organisations (four of 10, 40%) – although half (five, 50%) of this latter group are unsure or prefer not to say.

Respondents were asked to provide an explanation for their answer, and 121 comments were received. Those who welcome the proposal state that transparency around data (13, 11%), inclusion of provider specific context (12, 10%) and a risk-based approach to the assessment process (five, 4%) are particularly appreciated.

A risk-based approach to monitoring is welcomed as it reduces the burden on providers and enables resources to be focused on delivery of the plan.

– Higher education provider

Just over one quarter of those commenting (31, 26%) raise concerns, mostly around whether data is applicable to all providers – particularly noting differences between large vs small and specialist providers (16, 13%) – stating that data is 'not statistically significant' for smaller providers, and that data can be skewed by just one or two students. This was most commonly mentioned by providers with fewer than 10,000 students (14, 12%). One HE provider suggests that within the assessment process 'the targets, milestones and risks are

studied in a broader, local context and not just via the numerical milestones in the dashboard'. Other concerns relate to a lack of internal resource and/or an increased workload that this proposal may generate for providers and stakeholders involved in the assessment process. A handful (three, 2%) mention how the proposal currently focuses more on quantitative over qualitative data, meaning that aspects which are harder to quantify (such as student experience) will not be captured.

As a small provider, our data can be suppressed because of small numbers, and distorted owing to one or no students, and so we would encourage and support the use of more evidence, including institutional data and qualitative evidence. – Higher education provider

Many (28, 23%) highlight the importance of provider context, scale of provision and transparency within the proposal. This was often said in addition to expressing support for the proposal, and refers particularly to small and specialist providers which often have a smaller number of students – these respondents feel provider context needs to be taken into account in the assessment process.

A minority of comments refer to provider contributions to assessment/evaluation with their own evidence. For example, some (seven, 6%), five of which are providers with more than 10,000 students, propose using their own internal data, while others (five, 4%) would welcome more engagement between providers and the OfS to gain a more holistic picture of progress.

### 2.8.2 Suggested alternative approaches to proposal 8

Respondents were also asked if they believe the OfS approach should differ, and 44 comments were received. Just over one third (15, 34%) – predominantly higher education providers – advocate better collaboration and engagement between the OfS and providers through, for example, annual reporting requirements tailored to type of provider, and enhanced data sharing and communication with providers.

Members have fed back to us through this and other consultation exercises that they think they would benefit from the OfS having a specific relationship manager/named person to speak to and for them to get to know their provider. This we believe would save a lot of time and lighten the burden as the OfS would have a better understanding of the nuances of different types of institution from the outset and providers would be able to develop a relationship and know who will be responding to their questions. – Sector representative body

Just under one third (14, 32%) request greater clarity around the assessment approach and specifically the timings. Furthermore, respondents seek transparency and consistency in information shared with them and suggest that local context is taken into account.

It is very important that the assessment process approach is carried out transparently and consistently. Providers must be made aware, in advance of submitting their plans, how the OfS will go about its assessment process. – Higher education provider

Some (10, 23%) have no further comments, and a few (three, 7%) voice concerns over measuring raising attainment and the proposed removal of instruments by which boards of governors at higher education providers have oversight of the development of APPs.

## 2.9 General feedback

### 2.9.1 Overarching feedback

Respondents were asked if they had any feedback on the whole proposed approach to regulating equality of opportunity in English higher education, including regulation of APPs

as described in the draft Regulatory notice 1 (Annex C). Some 106 comments were received.

Around one quarter (24, 23%) outline broadly positive comments and support the proposed approach. These respondents – predominantly higher education providers – think the overall approach is logical, encourages collaboration and partnerships between providers and is set out well to improve equality of opportunity in higher education.

It is clear that the OfS has listened to the sector over the last five years, especially the plight of small and specialist providers who have a more modest resource base to implement access and participation measures. The rhetoric around giving providers more responsibility for identifying their own risks to equality of opportunity is welcome, rather than forcing a narrow band of national targets upon them. What is required now is to listen and respond accordingly to the outcomes of this consultation. – Higher education provider

Just under three in ten (31, 29%), of which 17 are higher education providers with more than 10,000 students, feel more clarity and detail is needed, particularly around various timelines, including timings for consultation with staff and students, information that will be published by the OfS, and deadlines for higher education providers. Additionally, further information is sought around targets, outcomes and expectations from all relevant stakeholders in relation to these aspects.

Around one fifth (20, 18%) believe the approach should focus more on student equality, diversity and inclusion (EDI), particularly on supporting students and offering flexible pathways within higher education. Others refer to the importance of EDI and the role of providers in this respect, for example to increase the number of under-represented student groups with a view to enhancing diversity across the sector.

Around one in six (18, 17%) express concerns over the timings of the proposed approach, including the timeframe for writing APPs being too short which will, respondents say, reduce the overall effectiveness of the approach. This is most frequently mentioned by providers with more than 10,000 students (13, 12%).

We are broadly supportive of the approach outlined but believe greater detail is required. This lack of detail creates a great deal of ambiguity and uncertainty for individual HEPs [higher education providers] and the sector and makes it difficult to begin adequate planning and preparation. In addition, we have significant concerns around the proposed timeframes for this process. If the final guidelines, the EORR and the data dashboard are not published until February, and assuming we are working to a May deadline for submission, this does not leave a lot of time. – Higher education provider

Several (14, 13%) mention that reporting and evaluation may generate additional workload and create a burden for providers, their staff, students and student unions when it comes to engagement around consultation.

We believe that the plans that are put in place need to remain stable over a number of years in order to embed strategies and ensure that providers are not burdened with a series of changes to implement. Lighter touch and supportive regulation will be more effective than a greatly increased administrative burden. – Third sector organisation

Some (nine, 8%) raise concerns around addressing raising attainment by implementing the proposed approach (five specifically mention this in relation to raising attainment in schools, and one in relation to higher education) and believe there should be more focus on raising

attainment within proposals. Others highlight that the role of universities in raising attainment is limited and that this should be acknowledged.

Some (eight, 8%) seek more collaboration and partnerships between providers, including Uni Connect member organisations, for example to assist in developing the new approach or amending the existing draft proposals following this consultation.

A handful (seven, 7%) advocate for a provider-specific approach that is equally accommodating to large, small and specialist providers, while taking provider context into account. Additionally, of these, four (4%) raise concerns over potential changes to the APP approach before there is time to achieve its goals.

A further seven (7%) expressed concern that smaller providers are at a greater risk of identifying individuals with protected characteristics in their cohorts in comparison to larger providers.

One in ten (11, 10%) say they have no further comments.

### 2.9.2 Unintended consequences

Respondents were then asked if they foresee any unintended consequences resulting from the approach set out in this consultation, and 111 comments were received. A vast majority of those commenting (101, 91%) highlight potential unintended consequences relating to the OfS proposed approach. In order from the most to the least frequently mentioned, these include:

- The proposals not actually improving or achieving equality among students (21, 19%) – for example, if providers choose to focus on risks that are ‘easier’ to address and reduce their focus on the hardest to reach groups. Another notes that, if investment is allocated only to intervention strategies, this may mean activities that do not directly address targets are left without investment,

If institutions have to invest more in work with schools, without extra funding, this will need to come from tuition fees and potentially reduce the funding available for student support. There is therefore a real danger of shifting, rather than addressing, inequalities. – Higher education provider

- The overall expectations of the proposal being too high, with examples provided by respondents relating to resources required, funding not specified and possible expectations around raising attainment (17, 15%),
- The approach focusing more on targets and compliance rather than progress (16, 14%), which was most frequently raised by providers with more than 10,000 students (nine, 8%). Additionally, one higher education provider notes that the consultation appears to have greater focus on access rather than student participation,
- The proposed timings of approach being too short to derive meaningful planning and resulting in integrated and innovative plans developed by providers (14, 13%),
- Providers potentially focusing on mitigation of ‘smaller’ risks to achieve set targets (12, 11%),

We have noted that some of the proposals around targeting and publication of performance may result in negative unintended outcomes, incentivising HEPs [higher education providers] to chase outcomes at cost to the spirit of fair access and participation. While we welcome a renewed

focus on collaboration, we remain concerned about the health of the higher education ecosystem. – Higher education provider

- Challenges for small and specialist providers to achieve the desired outcomes owing to having fewer staff and resources available (11, 10%), and
- The short consultation timeframe hindering providers from thinking through the proposals and considering unintended consequences (nine, 8%), which were most commonly referenced by higher education providers with fewer than 10,000 students (five, 5%).

Around one in eight (13, 12%) seek additional clarification on certain aspects and hope that the OfS will provide guidance to – rather than judgement of – providers, stating that improvement, innovation and ambition ought to be the aim of this regulatory framework, rather than punishment.

A small number (nine, 8%) say they have not identified any unintended consequences.

### 2.9.3 Unclear aspects of the proposals

Respondents were next asked if there were aspects of the proposals they found unclear, and 97 comments were received. Around three in five (56, 58%) believe that additional information is required, particularly in the areas of proposal outcomes, targets, data sharing, financial and investment reporting, and EORR, and respondents would welcome the OfS including examples to aid understanding. In addition, respondents request clarification on why the EORR will be reviewed annually if APPs will be fixed for four years. Additionally, clarity is sought to define what equality of opportunity entails, how the OfS envisages the collaboration aspect of the proposals working in practice (specifically partnerships with the DfE, TASO and Uni Connect), and greater detail around small and specialist provider involvement and assessment.

There should have been an example of the EORR. Current descriptions are too theoretical for us to understand the full impact. The case studies were also very different to our current plans so they raised more questions than they answered. – Higher education provider

Over one in three (36, 37%) request more detail on certain aspects, including relating to evaluation requirements (and the rationale behind this), plans for the publication of evaluation findings, and more detailed guidelines for providers (which some describe as underdeveloped and confusing), as well as seeking guidance on how to measure success of interventions, and clarity on timings.

Around one quarter (26, 27%) feel there are no unclear aspects within the proposals.

### 2.9.4 Impact for individuals based on their protected characteristics

Finally, respondents were asked if they had any comments about the potential impact of these proposals on individuals on the basis of their protected characteristics, and 55 substantive comments were received.

Two in five of these respondents (22, 40%) comment on the potential adverse impacts these proposals may have on students. They raise concern that APPs may single out some individuals while excluding others, depending on metrics used. The proposed approach may also inadvertently cause minor mental health issues by labelling under-represented students as 'at risk' (noted by four higher education providers, 7%). It should be noted that, throughout the consultation, a small number (no more than five respondents) seek greater guidance from the OfS on how to support students' mental health when undertaking APP activities.

Additionally, respondents (five, 9%) feel there are some students who may be difficult to evaluate on the basis they may be a part of more than one under-represented group, or who

are not currently counted as being 'at risk' within the given outlines (such as mature students, students with disabilities, international students) meaning they may fall out of scope for certain support. Four organisations suggest that more targeted support should be offered towards individuals, for instance through mentoring programmes.

Many students join an institution to become part of a student population and do not wish to be reminded of their protected characteristics. In small specialist institutions where we are trying to increase representation in literature, we find students become wary of appearing multiple times in what can seem a tokenistic approach to this. – Higher education provider

A group of higher education providers and sector representative bodies (15, 9%) also express concern that the current content of the proposals does not necessarily support all under-represented characteristics. This group feels there may be gaps where certain groups may become underprioritised, such as non-POLAR<sup>6</sup> students impacted by the cost of living crisis, or those of different sexual orientation.

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<sup>6</sup> POLAR refers to the participation of local area (POLAR) classification groups across the UK, which is based on the proportion of young people who participate in higher education.



## Appendix 1: Detailed respondent profile and grouping for analysis

This section outlines a more detailed respondent profile of consultation respondents. It also contains an explanation of how response categories available to respondents were grouped for subsequent analysis. Grouping available categories into a small number of derived categories means that each derived category has a higher number of responses, making subsequent cross-tabulation analysis more meaningful, particularly in instances where original categories have a very low number of respondents.

### Organisation type

In answer to the question 'If you are responding on behalf of an organisation, please select the type of organisation', the breakdown of responses is as follows.

**Table 2 Breakdown of organisation type**

| Organisation type                   | Count | Per cent |
|-------------------------------------|-------|----------|
| Higher education provider           | 101   | 73%      |
| Third sector organisation           | 11    | 8%       |
| Sector representative body          | 10    | 7%       |
| Student representative organisation | 5     | 4%       |
| Private organisation                | 1     | 1%       |
| Other                               | 10    | 7%       |
| Total                               | 138   | 100%     |

Responses were grouped and reported according to these categories:

- Student representative organisation
- Higher education provider
- Sector representative body
- Third sector or private organisation
- Other

### Respondent type

In answer to the question 'Which of the following best describes you?', the breakdown of responses is as follows.

**Table 3 Breakdown of respondent type**

| Respondent type                                       | Count | Per cent |
|---|-------|----------|
| An employee of a higher education provider            | 112   | 76%      |
| An employee of a charity or third sector organisation | 13    | 9%       |
| An employee of a student representative body          | 5     | 3%       |
| Student representative/student union officer          | 3     | 2%       |
| An employee of a private company                      | 3     | 2%       |
| Graduate  | 1     | 1%       |
| An employee of a school or college                    | 1     | 1%       |
| Prefer not to say                                     | 1     | 1%       |
| Other   | 8     | 5%       |
| Total   | 147   | 100%     |

Responses were grouped and reported according to these categories:

- Graduate, student or representative

- Employee of an HEI, school or college
- Employee of a charity, third sector or private organisation
- Other

### Higher education provider region

Where responding higher education providers consented to providing their organisation name, institutions were manually assigned to one of the nine English regions, to undertake an analysis of responses from higher education providers by their geographic location. Responses are grouped and reported according to these categories:

- East of England
- East Midlands
- London
- North East
- North West
- South East
- South West
- West Midlands
- Yorkshire and the Humber

Note that East of England figures are not reported herein owing to suppression, with fewer than five responding providers in this region (four in total).

### Higher education provider size

Where responding higher education (HE) providers consented to providing their organisation name, desk research was undertaken to gather details of the total number of FTE students at each responding HE provider. HE providers were then manually assigned to one of two categories, to undertake an analysis of responses from HE providers by their size. Responses are grouped and reported according to these categories:

- HE providers with fewer than 10,000 students, and
- HE providers with more than 10,000 students.

## Appendix 2: List of responding organisations

Of 141 responding organisations, 136 consented to their organisation name being published.

- ACM Guildford Ltd
- Aimhigher West Midlands
- Arts University Bournemouth
- Arts University Plymouth
- Association of Colleges
- Aston University
- Birkbeck, University of London
- Birmingham City University
- Bishop Grosseteste University
- Bournemouth University
- Buckinghamshire New University
- Cambridge SU
- Canterbury Christ Church University
- Caring Together (on behalf of Young Carers Alliance)
- Coventry University Group
- De Montfort University
- Derbyshire & Nottinghamshire Collaborative Outreach Partnership
- Disabled Student Commission
- Durham University (two responses)
- Edge Hill University
- Engineering Professors' Council
- Epilepsy Action
- FACE APP Special Interest Group
- Fair Access Coalition
- Falmouth University
- Free Churches Group
- Go Higher West Yorkshire
- Goldsmiths, University of London
- Guildhall School of Music & Drama
- Harper Adams University
- Hartpury University
- Hertfordshire Students' Union
- Higher Education Outreach Network (HEON)
- ICON College of Technology and Management
- Imperial College London
- Independent HE
- Institute of Contemporary Music Performance (ICMP)
- IntoUniversity
- Keele University
- Lancaster University
- Leeds Conservatoire
- Leeds Trinity University
- Leicestershire Uni Connect and Leicestershire Civic University Partnership
- Linking London
- Liverpool Institute for Performing Arts (LIPA)
- Liverpool John Moores University
- London Higher
- London School of Economics and Political Science (LSE)

- London South Bank University
- Loughborough University
- Manchester Metropolitan University
- Middlesex University
- MillionPlus
- Mixed Economy Group of Colleges
- Moorlands College
- NCG
- NERUPI
- Newcastle University
- Northumbria Students' Union
- Northumbria University
- Oxford Brookes University
- Oxford University
- Plymouth Marjon University
- Royal Central School of Speech & Drama
- Royal Holloway, University of London
- Royal Northern College of Music
- Royal Veterinary College
- Russell Group
- Sheffield Hallam University
- Spurgeon's College
- St George's University of London
- Staffordshire University
- Sutton Trust
- Teesside University
- The Brilliant Club
- The Humber Outreach Programme
- The Northern School of Art
- The Open University
- The Quality Assurance Agency for Higher Education
- The Specialist Evidence, Evaluation and Research (SEER) service<sup>7</sup>
- The University of Bath
- The University of Hull
- The University of Leeds
- The University of Manchester
- Total Equality For Students
- Uni Connect Leads group
- Universities and Colleges Admissions Service (UCAS)
- Universities UK
- University Alliance
- University and College Union (UCU)
- University Centre Blackburn College
- University Centre Reaseheath
- University College Birmingham

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<sup>7</sup> SEER Members represented and agreed in this response: Northeastern University London (NUL), Falmouth University, London School of Management Education (LSME), Point Blank Music School, Institute of Contemporary Music Performance (ICMP), BIMM University, London School of Contemporary Dance (LSCD), Academy of Contemporary Music (ACM), Writtle University College, London School of Architecture, SAE Institute, Northern School of Contemporary Dance (NSCD), Central School of Ballet (CSB), Bloomsbury Institute London, SP Jain, David Game HE, New Model Institute of Technology and Engineering (NMITE), Leeds Conservatoire

- University College London
- University College of Estate Management
- University of Birmingham
- University of Brighton
- University of Cambridge
- University of Central Lancashire
- University of Chester
- University of Cumbria
- University of Derby
- University of East Anglia
- University of East London
- University of Essex
- University of Exeter
- University of Greenwich
- University of Hertfordshire
- University of Huddersfield
- University of Kent
- University of Lincoln
- University of Liverpool
- University of Northampton
- University of Nottingham
- University of Nottingham SU
- University of Plymouth
- University of Plymouth
- University of Portsmouth
- University of Salford
- University of Sheffield
- University of Southampton
- University of Suffolk
- University of Surrey
- University of Surrey Students' Union
- University of Sussex
- University of the Arts London
- University of Warwick
- University of West London
- University of Winchester
- University of Worcester
- University of York
- Unlock
- UWE Bristol
- Villiers Park Educational Trust
- York St John University

## Appendix 3: Consultation questions

The full consultation question wording, along with supplementary wording and context provided for respondents, is available in the embedded PDF file.



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