



## Coronavirus (COVID-19) response

### Issue

1. This paper provides an update to the board on our response to coronavirus since the date of the last board meeting on 21 May 2020.

### Recommendations

2. The board is invited to note the updates contained in this paper.

### Further information

3. Available from Nicola Dandridge ([nicola.dandridge@officeforstudents.org.uk](mailto:nicola.dandridge@officeforstudents.org.uk)).

### Members' interests

4. This paper covers policy areas that directly affect higher education providers, so any member of the board with a registered interest in a higher education provider as listed [here](#) is considered to have an interest in the contents of this paper. In particular, the following members are considered to have an interest:

- Verity Hancock
- David Palfreyman
- Monisha Shah
- Steve West

5. These interests have been noted and, although relevant, have been deemed not to create conflicts as no decisions are being taken. These members can receive papers and partake in the discussion as normal.

### Paper publication

6. This paper and its annexes cover policy in development and are therefore exempt from publication.

## Update since 21 May 2020

7. We continue to structure our coronavirus work around the following six workstreams:

- Learning, teaching, exams and assessment
- Admissions
- Financial sustainability
- Market exit
- Post-COVID 19 planning
- Internal operations

### Learning, teaching, exams and assessment

8. On 10 June 2020, we published guidance for providers covering our regulatory expectations in relation to student and consumer protection during the coronavirus pandemic. This complements our previous guidance on quality and standards published on 3 April 2020. One of the themes that we have emphasised in this guidance is the need for students to have clear information about what to expect when they start or continue courses in order to inform their decision-making. This aspect of the guidance has been particularly picked up in the media coverage, and the publication was covered in the Daily Telegraph, BBC News website, Times and Daily Mail, along with a range of coverage in the sector media.
9. Annex A sets out in more detail our approach to oversight of learning, teaching and assessment during the pandemic, with a particular focus on the experience of disadvantaged and vulnerable students.
10. On 17 June 2020 we launched a £3m fund, to support a new online platform delivering targeted and high-quality mental health support, designed to respond to additional pressures caused by the pandemic. The new platform, Student Space, is being developed by Student Minds and will provide both preventative support and immediate interventions for students experiencing distress. The final content of the programme is being developed in response to emerging student need, with services developed based on ongoing evaluation and assessment. This ongoing needs analysis will seek to understand the impact of coronavirus on different student groups, so that services and resources will be inclusive and targeted to the needs of the most vulnerable students. Evaluation will be embedded in the programme, including a summative evaluation at the end of the funded period.
11. The programme is designed to complement the mental health support already in place through universities, colleges and the NHS and with the aim of augmenting or overlaying (depending on the level of support already existing at each provider) existing provision, to address the gaps which neither the higher education sector nor the NHS is able to fill at this current time. The platform will launch in July and will be funded for a fixed period (until December 2020) to respond to the particular challenges posed by the coronavirus pandemic. In addition, Student Minds plan for many of the resources to be useful beyond the initial six-month period. The Higher Education Funding Council for Wales has part-funded the project and support will be

available to all 2.3 million students from OfS Registered providers in England and from registered Welsh institutions.

## **Admissions**

12. The board discussed the proposed new time-limited condition of registration at its meeting on 4 June 2020. Since then, the decision-making group has met twice to discuss detailed policy issues. It expects to reach a final decision over the next few days. We will update the board on the outcome of that process at the board meeting.
13. The Department for Education provided further details of its Student Number Control (SNC) on 1 June 2020. The SNC limits the number of full-time and sandwich home and EU new entrants that providers in the approved (fee cap) category can recruit. Numbers are set based on 2019-20 recruitment plus an estimate of growth and a further 5%. For providers without financial forecasts, mainly further education colleges, sector level average growth of 1.5% is used. DfE has also announced two separate bidding exercises for up to 10,000 additional places. There are 5,000 places available for defined courses (primarily STEM) and a further 5,000 places available for healthcare courses. The criteria for allocating the first category of additional places requires providers to have a continuation rate of at least 90%, a highly skilled employment or further study rate of 75% and not be subject to a specific ongoing condition in relation to any of the OfS's B conditions. For the healthcare places, providers need only to demonstrate that they have exhausted their SNC and have sufficient placement capacity.
14. The SNC is enforced by a reduction in the statutory fee limits for 2021-22. Providers who exceed their limit by 0-6% will have their maximum fee for home and EU students reduced by 3% and similar reductions apply for larger breaches. DfE will monitor the SNC through the HESES return collected by the OfS in November/December. DfE are also imposing an SNC on providers in the devolved administrations in respect of English domiciled students only.
15. Recruitment numbers in 2020-21 remain highly uncertain, and it appears that students are leaving their decisions later and keeping their options open. UCAS data show that the number of home applicants that have accepted an offer is slightly up on an equivalent time last year whereas EU numbers are down by around 5%. There are no firm data yet on the numbers of international students, though surveys suggest some international students are reviewing their decisions.
16. Discover Uni is providing regularly updated information for prospective and current students across the UK on the impact of coronavirus, on topics such as changes to their examinations, application and admission arrangements, student finance and study tips for those working at home, with links to primary sources of information. We have been developing country-specific pages, greater social media content and new resources for careers leaders in schools and colleges. Students accessing course pages are urged to check provider course pages on what they can expect from the autumn.

## **Financial sustainability**

17. We continue to monitor providers' financial viability and sustainability closely. Our current assessment is that we expect all providers to manage the short-term financial impact (i.e. that falling in this academic year ending 31 July 2020) although the picture for the next academic year is less certain until the current student recruitment cycle is complete. It is also recognised

there remains significant uncertainty over other income streams. We will continue to refine our financial modelling assumptions as the evidence of the impact of the pandemic starts to become clearer.

18. On the basis of modelling our current assumptions, we have identified a small number of providers at increased risk of market exit in the next six months. We are engaging with these providers to understand the mitigations they have, or are able to put, in place. Based on initial discussions most providers are taking steps to secure finance and cut costs and so may well avoid market exit. Our primary focus throughout is the interest of students.
19. We are providing advice to DfE as it develops a process through which higher education providers will be able to apply to government to access a restructuring regime. More details are expected over the next few weeks. Whether or not a provider initiates discussions with DfE about the restructuring regime, it must continue to meet the OfS's regulatory requirements. We will therefore, for example, require providers to have in place appropriate student protection arrangements. BEIS is also expected to announce a research stabilisation package shortly. We will provide the board with an oral update of these developments at the meeting.
20. Although we have signalled to providers that we are reducing our regulatory requirements during the coronavirus pandemic, this will obviously not extend to reducing our oversight in relation to financial viability and sustainability. We are developing our plans for future financial data returns.

### **Post Covid-19 planning**

21. We continue our work to plan how we manage the transition from the current coronavirus-related approach to our usual regulatory role, but in a way that allows for a review of the way we explain and implement our regulatory requirements and acknowledgement of the changed external environment.
22. This work involves an initial step of reinstating deadlines for some core data collections that are essential to our regulatory oversight – for instance the student data set – that we suspended in March in response to the pandemic. To this end, on 19 June 2020 we wrote to accountable officers to update on our approach to regulation during the pandemic and to provide information about data returns. The letter set out our two-phased approach to resuming our normal regulatory role, taking account of the gradual lifting of the lockdown. Phase 1 includes the deadlines for upcoming data returns. In recognition of the pressures that many providers still face as a result of the pandemic, we gave providers the opportunity to contact us about an extension if they are unable to meet any of the deadlines. The letter also included a brief overview of our plans for phase 2: to reinstate our normal regulatory approach while taking account of the changed environment. We will be writing again to accountable officers in July to give further details.
23. Meantime, we are conducting a wider review of our approach prior to reinstating our usual oversight and monitoring arrangements this autumn. As part of this, we are focusing on our approach to quality (including the B conditions) and to access and participation (including the A conditions), with a view to assessing whether any operational changes should be made in the light of the impact of the pandemic, and our broader experience over the last two years. In particular we will be mindful of the need to reduce regulatory burden where possible, whilst

balancing that with the imperative of our statutory duties and the requirements set out in the regulatory framework that are designed to protect the interests of students. We intend to write to providers regarding the reintroduction of a more normal approach to regulation in July. We will also in the autumn advise providers how and when we intend to reinstate existing consultation exercises.

24. We continue to analyse the changed external environment to ensure our work is responsive to a new coronavirus environment. This will include analysis of the impact of the interruptions caused by the pandemic on students and providers, as well as its impact on the performance of providers as expressed through our data returns (for instance in relation to graduate outcomes) over the next years.
25. This post-coronavirus transition workstream will inform a revised Business Plan 2020/21 that will resume in September 2020. The finalisation of the original plan was suspended at the point we paused our regulatory requirements in March 2020. The transition workstream will also inform the development of our new strategy that will come into effect when our current strategy expires in April 2021. This will form the subject of discussion at the board away day later this year.

### Internal operations

26. Full office closure remains in place for OfS with all staff working from home. This follows government guidelines which still indicate organisations should maintain home working wherever possible. To ensure we are operating effectively we continue to monitor the situation and support staff to work flexibly around caring commitments. Current management information indicates:
  - Capacity remains strong, [exempt from publication]. However, there are pockets of pressure due to increased workloads and staff are being redeployed into these areas to ensure priorities are delivered.
  - People data show a low number of absences related to coronavirus. However, there has been an increasing number of absences due to mental health issues. Whilst numbers remain low overall, this is being monitored closely and support is being provided to all staff, including through our Employee Assistance Programme.
  - Technology remains resilient with usage being well within capacity.
27. Whilst home working is effective for OfS, we are conscious of the benefits of a return to the office for collaboration and particularly for specific members of staff who are struggling with their home environment. We are therefore actively planning for a partial return to office working. The timing of this return will need to take into account both government guidance and staff wellbeing considerations. To maintain social distancing and comply with public health guidance we will need to make some changes to the office environment. We would also (under current guidance) only be able to accommodate a small proportion of staff on any given day. The principles and processes for who would return, how this would work, and how we would ensure staff safety are being worked through in detail. The next review point is at the end of June, when the latest position will be assessed.
28. In parallel, we are continuing to learn lessons from how we have dealt with the coronavirus crisis and have recently had input on this from staff across the organisation. Considerations include capability gaps highlighted by the crisis or changes in our work, decision-making

processes, practicalities around collaborative working, stakeholder engagement, and the agile use of resource to support rapidly changing priorities. These lessons learned will feed into our approach and future thinking on our operating model.

## **Annex A – Oversight of learning, teaching and assessment during the pandemic, with a particular focus on the experience of disadvantaged and vulnerable students**

### Arrangements put in place during the early stages of the pandemic

1. Our current expectations for teaching and assessment during the pandemic are set out in our guidance on quality and standards, published on 3 April 2020. In broad terms this guidance sets out our expectations in relation to the 'B conditions' of our regulatory framework (the quality conditions).
2. On 10 June 2020 we also published guidance in relation to our expectations on student and consumer protection. This guidance primarily sets out our expectations in relation to the 'C conditions' (the student protection conditions).
3. We are monitoring compliance with these expectations in the following ways:
  - Events reported to us by providers: We currently require providers to report to us when they intend or expect to cease teaching some or all of their courses to one or more groups of students, and we are likely to seek further information as a result of such reports. At the time of writing we had received 40 reportable events of this type since early March 2020. Further information about our reduced reporting requirements can be found at <https://www.officeforstudents.org.uk/publications/regulatory-requirements-during-the-coronavirus-covid-19-pandemic/>
  - Notifications: We encourage students and other third parties to notify us of any concerns about the arrangements put in place by an individual provider. Such notifications are important to help us identify any providers that may not have made reasonable efforts to protect the interests of their students. At the time of writing we had received 58 notifications from students since early March 2020, around half of which related to teaching or assessment.
  - We are engaging with each registered provider, primarily regarding its financial position. We use that engagement to understand a provider's approach to teaching and assessment during the pandemic, ensure it understands our guidance and expectations and to follow up any notifications that cause concern.
  - As part of our normal regulatory approach we consider the number and pattern of complaints to the OIA and we will continue to use this information to inform our assessments after the pandemic and so will be able to take into account issues raised by a provider's students and the OIA's response to these.
4. We have clarified our expectations in relation to access and participation in the following ways:
  - We have been clear that providers should continue to deliver the commitments in their approved access and participation plans for 2019-20 and 2020-21 onwards, notwithstanding the impact of the pandemic.
  - We have confirmed that financial commitments to students within approved plans, which are focused on the most disadvantaged students, should continue to be met.
  - Providers may also move funding earmarked for activities that cannot currently take place, such as face to face engagement with schools, to address student hardship and mental health needs, provided that it is focused on vulnerable students or those from under-represented groups. We have been clear that we will monitor any changes made during the implementation of approved plans and are providing guidance about how a

provider could evidence that it has made reasonable judgements about any such changes.

- We sent a letter to the 29 partnerships of the Uni Connect Programme in March, outlining our expectations for them to explore and deliver alternative modes of engagement during the coronavirus pandemic. In particular, we asked them to address how their approaches could support broader groups of underrepresented students (not just those in target schools and wards) and also focus their provision of impartial information, advice and guidance on the needs of students applying to higher education in the current admissions cycle. In response, the partnerships rapidly put in place plans to deliver as many activities as possible online, including for example; online mentoring and tutoring, live and pre-recorded workshops, webinars, 1-2-1 emails and live chat, videos and phone calls. Partnerships have also been involved in activities to map and address gaps in advice to Year 13s and to identify the most appropriate technology considering safeguarding issues. Recognising the issue of digital exclusion in their local areas, some partnerships are also working with their LEPs, local schools and colleges and third party providers to help underrepresented learners gain access to digital devices and internet access in order to continue engaging with the online IAG and outreach offered by the Uni Connect programme.
  - Since June, we have been working with partnerships to ensure that they are equipped to support Year 12 students, particularly those who may be interested in applying to courses with early recruitment cycles. We have also conducted research on digital IAG and outreach platforms offered by third party providers, so that partnerships are able to draw on rigorous and tested platforms. Work is ongoing with Discover Uni, UCAS and the Student Loans Company to ensure that Uni Connect messages to Year 12 and 13 students are up-to-date, consistent and coordinated. We are also working with UCAS to explore options to route relevant students and advisers to the Uni Connect programme and their local partnership.
5. Separate to these coronavirus-related regulatory expectations, we have also published Briefing Notes to identify how providers are addressing common issues arising from the pandemic, covering international students, student mental health and wellbeing, care experienced and estranged students, IAG for students, research students, and shortly disabled students, graduate employment and outreach to schools and colleges.
  6. We have also begun to engage with sector and student representatives to identify the barriers facing specific groups of students during the pandemic in order to facilitate the sharing of approaches to solving common problems, to inform our re-booting of regulatory requirements for access and participation, and to identify issues that could be addressed by other sector and government agencies. This includes a series of online roundtables during June with the Disabled Students Commission to identify the particular barriers facing students with disabilities in relation to the clearing process, blended learning, and transition and induction this year, and an online conference held on 5 June to address the support needs of black, Asian and minority ethnic students during the pandemic.

#### Arrangements for the next phase of the pandemic

7. Having acted quickly to adapt our approach at the beginning of the pandemic we have put in place the regulatory arrangements we thought necessary to protect students and support providers to take action to secure remote teaching and assessment. Our current arrangements are therefore a pragmatic response to an environment that was turbulent and uncertain for us and for providers.



8. We are now beginning to reset our expectations as the country moves out of lockdown. We have considered what more we can and should do in advance of the start of the next academic year, when students are likely to experience a hybrid model of virtual learning with elements of face to face tuition. We are particularly interested in finding ways in which we can identify provision that may not be of sufficient quality.
9. We are proposing the following actions:
  - We will continue to monitor compliance with our established requirements and recently published guidance on quality and standards, and student and consumer protection. This provides the regulatory spine for our work and is underpinned by the well-established arrangements that all providers have in place to maintain quality and protect standards, particularly those that are degree awarding bodies.
  - We will seek better insight into students' experience of teaching and assessment since the lock down to inform our monitoring and oversight. We are currently looking at the 3,000 narrative comments in this year's NSS responses that mention coronavirus, and plan to supplement this by additional student polling asking questions about what was positive and negative about students' experience over the last term. We will use the NSS comments and our polling results to inform our continuing engagement with providers and to provide a particular focus on areas that we will know matter most to students. In addition, where the results of the polling reveal practice that could be usefully shared with the sector, we will publish Briefing Notes or other relevant communications.
  - We will repeat this polling exercise in the autumn to gain insight into students' views about providers' hybrid approaches into the start of the next academic year.
  - Exempt from publication.
  - We also intend to focus on the experience of particular groups of students who are vulnerable or most likely to be disadvantaged by the impact of the pandemic in terms of their teaching and learning. Again, this will allow us to target any further regulatory engagement with providers, and focus our attention on the areas that are likely to have the most impact on vulnerable and under-represented groups.
  - Building on the events held in June, we will hold webinars with access and participation contacts in providers, students and their representatives to identify the impact of the pandemic on vulnerable and under-represented groups, and on the delivery of access and participation plans.
  - We consulted widely on the reforms to access and participation regulation in December 2018, implemented during 2019 and announced through the Transforming Opportunities report in January 2020. The reforms we have made are focused on providers developing more strategic approaches to closing equality gaps across the student lifecycle through 5-year plans through to 2024-25, rather than annual agreements. With this mind, our work is focused on getting the agreed plans back on track.
  - Delivery of the plans agreed during 2019 and beginning from 2020-21 will be disrupted by the closure of schools and cancellation of examinations, the move to online and blended learning for current higher education students, and the tightening of the graduate labour market. We also expect plans to be affected by the disproportionate impact the pandemic is having on the most deprived communities and on specific groups that are a priority within plans such as BAME, care experienced and disabled students, including in relation to hardship and access to the IT, space and other resources and support services normally available to students on campus.

- Alongside this, the shift to blended and online modes of engagement with schools and students may yield some lasting benefits for the accessibility and efficiency of access and participation work, and of learning and teaching and student support more broadly. Whilst the growth in places for UK/EU students has been important to the progress made on higher education access during the last two decades, this year's SNC makes provision for growth beyond the level forecast by most providers, including all of the high tariff providers, which we have identified as a particular priority for the access element of our work. We are aware, though, that these providers are concerned about the impact the SNC could have for candidates who marginally miss their grade requirements, but are judged to have the potential to succeed on the course, not least due to their involvement in outreach activities. FECs are also concerned about the impact the SNC could have on their ability to meet growing demand from the most disadvantaged students and communities in this exceptional year.
- We will use the webinars to understand how these and other factors arising from the pandemic can be expected to impact on the delivery of access and participation plans, and the support for vulnerable and under-represented groups of students, both through the transition to the 2020-21 academic year and beyond that. This will inform our guidance on the implementation of regulatory requirements for access and participation plans, which we will set out July, and our broader monitoring and intervention activities beyond that.