



Coronavirus (Covid-19) response

Purpose

1. This paper provides an update to the board on our response to the COVID-19 pandemic, particularly regarding our regulatory approach and internal operations.

Recommendations

2. The board is invited to:
 - a. Note the updates contained in this paper

Regulatory approach

3. As board members will recall, the challenges that coronavirus and related government restrictions created for students and for registered higher education providers at the start of the pandemic led to significant changes to the OfS's regulatory approach. At that point we took the following actions:
 - a. We hosted resources on our website for students on their rights during the pandemic.
 - b. We issued additional funding for student hardship to providers.
 - c. We did not require any additional information from providers in relation to compliance with our conditions of registration.
 - d. We reduced regulatory requirements for reportable events.
 - e. We set submission deadlines in a way that allowed providers more time to comply.
 - f. We paused new consultations and information requests.
 - g. We changed how we engaged with individual providers, setting up Coronavirus Response Teams to ensure OfS named staff were available to answer questions and provide information to providers.
4. Although more recently the rise in cases linked to the Omicron variant has created further challenges for higher education providers, at present we intend to continue with all our regulatory activity, as planned. So for instance last week we published three significant consultations which underpin our regulatory work: student outcomes (B3); Teaching Excellence Framework (TEF) and the underpinning data indicators.
5. There are two reasons we are not proposing to divert or change our plans as we did in April 2020. First, many of the changes we made earlier in the pandemic that improved our way of operating or the regulatory experience for providers have now become routine or led to further adaptation in our approach. For example, we have continued with the use of named contacts for providers and the use of 'compliance and regulation teams' in CASP. Similarly, after publishing new guidance on reportable events in March 2020, rather than returning to our pre-pandemic approach we reviewed our approach and published revised reportable events guidance that came into force on 1 January 2022. The second reason we are not proposing to reduce requirements for providers is that they have now had sufficient time to adapt and respond to the challenges posed by coronavirus and we do not think it would be right to take steps that may reduce the protections we offer to students in this context. Additionally, the type of government restrictions and guidance on providers over recent months have been more permissive than earlier in the pandemic. Providers are broadly speaking able to carry out their usual educational and commercial activities under current guidelines and the general trend appears to be towards further easing of restrictions.
6. Meantime, we have made clear our expectations of providers in terms of face to face and online teaching, and have been explicit in emphasising the importance of students being able to benefit from in person teaching, particularly where they had expected to be taught in person when choosing their course. We have drawn on the recommendations of Sir Michael Barber's

review of digital provision, to emphasise the considerable pedagogical benefits that can be drawn from digital teaching. In terms of assessing quality, our position is that the quality of the provision is more important than whether it is digital or face to face. We are also emphasising the importance of reflecting students' views, many of whom – though not all – are keen to see a return to face to face provision.

7. Exempt from publication

8. We remain acutely aware of the impact that the pandemic has had on students, particularly those from disadvantaged backgrounds. We are also aware that the pandemic has impacted on the delivery of some of the commitments in access and participation plans. In our monitoring of those plans we have sought assurance from providers that they have made reasonable decisions in light of the pandemic, and have delivered in full their financial support commitments to their underrepresented students. We also worked with the Uni Connect partnerships to enable them to pivot their outreach activity from face to face to online. In addition, we expanded our support for Student Space – the on-line resource for students whose mental health was adversely affected by the pandemic.

We will continue to consider where it is appropriate to adjust the analysis of data returns, and subsequent interpretation, to take account of the impact of the pandemic on the sector as a whole, for different groups of students, and on providers. For example, we have released additional experimental statistics on the National Student Survey that focus on a longer time period to mitigate the changes that affect single years; following OfS analysis, changes were made to how data was published on Discover Uni for 2021¹; and we have adapted our modelling of degree classification changes to better account for sector-wide time series changes due to the pandemic.

Internal operations

Working from home

9. The majority of OfS staff have now been working from home since March 2020, and we have ensured that all staff have received the resources that they have needed, both to deliver effective home working, as well as to provide them with the support that they need whether in the form of specialist ergonomic assessments, provision of additional equipment, or resilience training. We continue to monitor staff sickness levels and capacity across the organisation. Numbers of staff sickness days have been relatively stable over the last six months, with a peak in September. We are not seeing significantly different levels of sickness compared to previous years.
10. Overall organisational capacity compared to potential full staff capacity has been around 85%, although this has also been driven by non-coronavirus reasons such as vacancies. Reductions in capacity due to the pandemic have largely been limited to sickness in recent months rather than pandemic-related reasons such as school closures.

¹ https://www.discoveruni.gov.uk/about-our-data/#the_national_student_survey

Office use

11. OfS offices (Bristol and London) have remained open since summer 2020 for staff who cannot work effectively from home for any reason. Government guidance on safe office working has been followed in detail throughout, in line with our strong commitment to the health and safety of our staff. Risk assessments have been updated regularly. In autumn 2020 an externally commissioned audit of our 'Covid-secure' arrangements was positive about our approach and made only minor recommendations for changes.
12. With the introduction of the Government's winter plan (Plan B) from 13 December, office attendance numbers dropped significantly, as would be expected. Following the Government's withdrawal of the 'working from home' requirement in late January we are starting to see more staff return to the office.
13. Looking ahead, we are keen to build on lessons from our collective experience of enforced remote working during the pandemic. During 2021 we have developed a new hybrid working policy, to sit alongside our flexible working policy, which has been reviewed and refreshed.
14. Our new hybrid working approach covers working location, core hours and non-standard working patterns, aiming to give staff more choice and control over the way they work while also meeting OfS priorities. This will be a significant cultural shift for the OfS and so we plan to trial the approach for a period starting in March/April.