



## **Draft minutes of the OfS board meeting, 24 March 2022**

**Location: Finlaison House, London and video conference**

**Timings: 1330-1700**

- Present members:
- James Wharton (chair)
  - John Blake (Director for Fair Access and Participation)
  - Martin Coleman
  - Nicola Dandridge (chief executive)
  - Elizabeth Fagan
  - Katja Hall
  - Verity Hancock
  - Rachel Houchen
  - Kathryn King
  - Kate Lander
  - Simon Levine
  - Martha Longdon
  - Dayo Olukoshi
  - David Palfreyman
  - Monisha Shah
- Attendees:
- Jack Thomlinson, Department for Education (DfE) representative
- Apologies:
- None
- Officers:
- Jean Arnold, Head of Compliance and Student Protection
  - Ed Davison
  - Sarah Howls, Head of Access and Participation
  - Paul Huffer, Head of Legal
  - Susan Lapworth, Director of Regulation
  - Paula McLeod, Corporate Governance Senior Adviser (clerk)
  - Richard Puttock, Director of Data, Foresight and Analysis
  - Conor Ryan, Director of External Relations
  - Nolan Smith, Director of Resources and Finance
  - Mike Spooner

## **Chair's welcome**

1. In opening the meeting, the chair welcomed members and, in particular, Rachel Houchen and Dayo Olukoshi who joined the board last week. He noted that the DfE has also appointed Dr Michael Spence and that he would take up his membership later in the year. He also confirmed that Martin Coleman, Kate Lander and Katja Hall have all been reappointed to the board for a further term.
2. He advised there would be further changes to membership as Kathryn King had recently resigned from the board due to taking up a full-time role at the DfE. He put on record his thanks to Kathryn for her many contributions to the work of the board since joining in 2019, including being an active member of the Provider Risk Committee.
3. The chair welcomed Jack Thomlinson, Deputy Director Higher Education Quality and Regulation at the Department for Education (DfE) who was attending on behalf of Hannah Sheehan. He also welcomed OfS colleagues, Sarah Howls, Head of Access and Participation, and Jean Arnold, Head of Compliance and Student Protection.
4. The chair updated the board on his recent meeting with the Minister. He advised he had recently undertaken a visit to Sheffield Hallam University and would be visiting the Engineering and Design Institute London (TEDI-London) tomorrow.
5. The board noted its general duties as set out on the agenda and the need to have regard to these and other relevant considerations as it considered papers and made decisions.

## **Approval of February minutes (paper 2.1)**

6. The minutes of the board meeting held on 3 February 2022 were approved.

## **Chief executive's report (paper 3.1)**

7. The chief executive presented her paper which provided an update on work undertaken and issues that have arisen since the date of the last regular board meeting on 3 February 2022.
8. The following points were raised:
  - a. The chief executive updated the board on her evidence session at the Public Accounts Committee hearing looking at the regulation of the financial sustainability of the higher education sector. An action arising for the OfS was the need to finalise our KPMs following the launch of the new organisational strategy. This will come back to the board at the next meeting. The committee will produce a report of its work, and this will be circulated to the board in due course.
  - b. The chief executive had also given evidence at a recent Education Select Committee session. The discussions had been wide-ranging and had included free speech, blended learning and antisemitism.
  - c. There will be a planned formal review of the HERA legislation at some point this calendar year. A report from the review will go to the Education Select Committee.
  - d. The OfS's review of blended learning has a regulatory focus and is looking at how providers are delivering in-person and online teaching. This could be expanded in

future to consider the broader education experience and how this prepares students for the workplace.

e. Exempt from publication.

9. The board:

- a. Noted the updates contained in the report.
- b. Approved the proposed temporary changes to delegation arrangements with effect on and from 1 May 2022 until 31 December 2022 as detailed in paragraphs 25 and 26 of the paper.

### **Triennial report on the designated quality body (paper 4.1)**

10. The director of regulation introduced her paper relating to the draft report to the Secretary of State in relation to the performance of the Quality Assurance Agency (QAA) in its role as the designated quality body (DQB). She advised that:

- a. HERA makes provision for the designation of a body to perform the assessment functions relating to quality and standards. The QAA was designated in 2018.
- b. The OfS has a duty to produce a triennial report on the work of the DQB. This was postponed from 2021, partly as a result of the pandemic, [exempt from publication].

11. Exempt from publication.

12. Exempt from publication.

13. Exempt from publication.

14. The director advised that the board's comments would be taken into account in revising the draft report.

15. In concluding its discussions, the board:

- a. Considered the draft report and provided a steer in relation to the content of the report and its conclusions and recommendation.
- b. Agreed to delegate authority to a group consisting of the OfS chair, the chair of the Quality Assessment Committee, the chief executive and the director of regulation to take any decisions in respect of, or directly or indirectly connected with, producing the report and providing it to the Secretary of State [exempt from publication].
- c. Agreed that this new delegated authority is in addition to, and does not in any way restrict or limit, any existing delegated authority under the published scheme of delegation (for example, the delegated authority of the chief executive and directors.)

### **[Exempt from publication]**

16. Exempt from publication.

17. Exempt from publication.

### **Government proposals for Lifelong Loan Entitlement and Higher Education Reform (paper 5.1)**

18. The chief executive introduced her information paper summarising for the board the main provisions of the DfE's reform proposals – Lifelong Loan Entitlement and Higher Education Reform. She highlighted that these raise significant questions for the OfS around how we quality assess modular provision.

19. The board noted the paper.

### **Access and participation plan reform (paper 6.1)**

20. The Director of Fair Access and Participation gave a short presentation on emerging thinking for the access and participation plan (APP) process for the next cycle, alongside presenting his paper on the development and implementation of the proposed access and participation (A&P) strategy from 2022-23 onwards. This follows on from the board's initial discussions at its February meeting.

21. The following points were made in discussion:

- a. There are plans to increase engagement with schools and the third sector. This will be achieved through ongoing engagement with the sector around our expectations through the mass variations process, the re-tooling of UniConnect to provide an effective broker between HEPs and schools, and our work on the upcoming Insight event on this topic and associated brief. It is also likely the interaction with HEPs will be specifically endorsed in the forthcoming Schools White Paper.
- b. Although there are already good examples of engagement between schools and HE this is patchy. The activity needs to be more strategic, both within many providers and across the whole sector, and should build on existing examples of good practice.
- c. The strategy recognises that FECs require a different kind of engagement and aims to balance the knowledge of this sector in supporting A&P activity with its capacity to carry out additional work. Many strong university partnerships involve FECs as well.
- d. Although the focus on schools is critical, the strategy also recognises the importance of supporting all students once they have entered HE. It was acknowledged that the student experience is heterogeneous, and needs will be different.
- e. Measurement of success in A&P should be at both the provider and sector level. This will seek to ascertain the diverse contributions providers are making across the system but also identify at the individual provider level those who do just enough on A&P but could be doing more to recruit a wider range of students. This approach needs to be clear in the messaging of the A&P strategy.
- f. The work on evaluation will be crucial, and there is ongoing engagement with the sector, TASO and the EEF to ensure this work is valid and reliable.
- g. The OfS's remit is one of facilitation and ensuring providers are focussed on equality opportunity for students. Within that, we would expect providers to do work on 'getting on' and supporting students in that next stage of their life and career.

22. In welcoming the focus on schools and the broad direction of travel in the strategy, the board:

- a. Noted the paper.
- b. Welcomed the opportunity to have further discussion at a future meeting.

### **Outcomes of board effectiveness review (paper 7.1)**

23. The corporate governance senior officer introduced the paper on the outcomes of the board effectiveness review, the result of which were generally positive.

24. Exempt from publication.

25. The board:

- a. Noted the survey outcome data at Annex A.
- b. Exempt from publication.
- c. Exempt from publication.

### **Student panel update (paper 8.1)**

26. The chair of the student panel presented her report to the board on the outcomes of its most recent meeting held on 27 January 2022.

27. She advised that the refresh of the student engagement strategy would be coming soon. There would be an important alignment between this and the OfS strategy to reflect greater student input. The panel had carried out its work remotely but were looking forward to continuing in person in the near future. Improved sector perceptions of the OfS were building a more positive direction of travel for the panel moving forward.

28. The board received the report from the student panel.

### **Report from the Provider Risk Committee**

29. The chair of the Provider Risk Committee presented his report to the board on the outcomes of its most recent meeting held on 3 February 2022. [Exempt from publication].

30. The board received the report from the Provider Risk Committee.

### **Report from the Risk and Audit Committee (paper 10.1)**

31. The chair of the Risk and Audit Committee presented her report to the board on the outcomes of its most recent meeting held on 24 February 2022. The committee had discussed:

- a. Opportunities to develop the current risk management process and to make it more forward looking. Internal Audit had provided some helpful input to this. This will be considered again at the committee's next meeting and will inform a further discussion at the May board.
- b. An internal audit report concerning completion rates of mandatory training by OfS staff. [Exempt from publication].

32. The committee had also received a very thorough presentation from the OfS's chief technology officer on cyber. She was able to assure the board that significant controls were in place to ensure risks in this area were being managed.

33. The board:
- a. Received the report from the Risk and Audit Committee.
  - b. Agreed it would be interested to receive more information on the OfS's cyber work at a future meeting.

### **Closing remarks**

34. The chair thanked members for their attendance and participation. He reminded members that the next meeting of the board will be held on 26 May 2022, and it was agreed that this will be held by Teams.
35. This was Nicola Dandridge's last meeting before she steps down as OfS chief executive in April 2022. The chair thanked her for all the support she had provided to him since joining the organisation last year. On behalf of the board, the deputy chair took the opportunity to thank Nicola for her exceptional contribution to the OfS and her hard work since its inception.
36. In response, Nicola thanked the board for the support it had provided to her and to the directors for their work during her time in post.

The meeting closed at 16.15.