



Draft minutes of the OfS Board meeting, 26 September 2018

Location: Cadbury House Hotel, Bristol

Timings: 12.30-15.30

- Present members:
- Sir Michael Barber (chair)
 - Martin Coleman (Deputy chair)
 - Ruth Carlson
 - Nicola Dandridge (chief executive)
 - Gurpreet Dehal
 - Katja Hall
 - Kate Lander
 - Chris Millward (Director for Fair Access and Participation)
 - David Palfreyman
 - Monisha Shah
 - Steve West
- Observer:
- Ian Coates, Department for Education
- Apologies:
- Elizabeth Fagan
 - Simon Levine
- Officers:
- Ed Davison, Head of office: chair and chief executive
 - Josh Fleming, Chief of Staff to Sir Michael Barber
 - Yvonne Hawkins, Director of Teaching Excellence and Student Experience
 - Paul Huffer, Head of Legal
 - Susan Lapworth, Director of Competition and the Register
 - Paula McLeod, Governance Adviser
 - Richard Puttock, Head of Data, Foresight and Analysis
 - Conor Ryan, Director of External Relations
 - Nolan Smith, Director of Resources, Finance and Transformation
 - Ben Whitestone, Head of Governance

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Chair's welcome

1. The chair welcomed Ian Coates from the DfE to the meeting and to Ben Whitestone, who had recently joined the OfS as Head of Governance. He noted that Elizabeth Fagan and Simon Levine had sent their apologies.
2. He stated that he was having discussions with DfE and the Cabinet Office regarding the extent to which board members with a perceived conflict of interest should be excluded from discussions. He was hoping to have a clear policy on this so that the board could make full but appropriate use of the expertise of all members.
3. The Secretary of State had appointed Martha Longdon as the new student representative on the board. She would be attending the next meeting in December as would the outgoing member, Ruth Carlson. There would be an opportunity to formally acknowledge Ruth's contribution at that meeting but, in the interim, the chair thanked Ruth for her all her work to date.
4. The board noted its general duties as set out on the agenda and the need to have regard to these as it considered papers and made decisions.

Approval of May minutes (paper 2.1)

5. The minutes of the meeting held on 26 July 2018 were approved with some minor changes.

Developing and delivering the OfS student information, advice and guidance strategy (paper 3.1)

6. The Director of External Relations introduced an interim report on a strategy for student information, advice and guidance (IAG), setting out a proposed broad approach for OfS including a new information resource for students to replace Unistats as part of this. He noted that any new resource must add value to an already crowded field. This could be through providing information to help students through the overall process of higher education and could be achieved by working with existing partners.
7. The following points were made in discussion:
 - i. Existing data would be used but in a different way. This should not result in any additional costs to providers. The overall cost of any new resource would be clearer at the second stage of the project.
 - ii. Students want more personalised information. Application programme interfaces were being explored as a solution to this.
 - iii. The users of this information would not just be prospective students. It could be parents and teachers. It was important to engage them as well

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as those involved in recruiting students into higher education and employers.

- iv. If the aim was to provide a 'one stop shop' for student information, then any signposting in the website needed to be a seamless experience and only include trustworthy links.
 - v. Although this offered an opportunity for the OfS to have a direct interface with students, it may not be appropriate for OfS to be the provider of the website but rather to act as a facilitator for an external body to take the lead. These options need to be considered further and brought back to the board for discussion.
 - vi. Although not included in this initial strategy, work was being done to gather data on the information requirements for post graduate students.
8. The board considered and agreed that:
- i. The right broad approach for the OfS in relation to IAG had been identified.
 - ii. The final overarching strategy should be worked up in dialogue with stakeholders and reported back to the board for a decision on the next steps.
 - iii. Subject to the board's decision, work for a new information resource to support student decision making, including prototyping for testing with students and advisers, should be taken forward with a launch in autumn 2019.
 - iv. Subject to further discussion with board members in early 2019, the chief executive to agree whether to proceed to the development of the new website in February 2019 based on the findings from the prototyping stage.

Championing a safe, healthy and inclusive higher education sector for students (paper 4.1)

9. The Director for Teaching Excellence and Student Experience introduced the paper providing the board with an update on the OfS's sector level work to champion a safe, healthy and inclusive higher education sector for all students. This work has a particular focus on the scope of, and objectives for, sector level student mental health support. She noted that evidence shows that a safe, healthy and inclusive environment supports the student experience and their outcomes so OfS carrying out work in this area is underpinned by its duties under HERA.
10. As chair of the UUK Mental Health in Higher Education Working Group, Steve West advised that mental health is a very important issue in the student community. This was an area OfS should be championing and one in which it could demonstrate it is adding significant value. Although a small number of

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universities are engaging with this issue at a strategic level, there is a need for cultural change at all levels within the sector whilst still recognising that every institution is different and their students are likely to have different needs.

11. The following points were raised in discussion:

- i. As well as being a big concern for parents, mental health is also an issue for employers.
- ii. This should not be about finding ways to protect students from challenges but to support them in managing and overcoming these challenges in ways which support their mental health.
- iii. Prevent will be one of the work strands in this area as it is a safeguarding issue that addresses the vulnerability of students being drawn into terrorism.
- iv. The proposed Innovation Challenge Fund competition linked to mental health would challenge providers to identify what early interventions and support measures can achieve a step change. The learning would be disseminated for the benefit of the whole sector.

12. The board:

- i. Commented on the strategic objectives that will inform the development of sector level student wellbeing and mental health support by OfS.
- ii. Agreed the objectives for an innovation challenge fund (ICF) competition to support a step change in student mental health.

The promotion and protection of free speech (paper 5.1)

13. The Director for Teaching Excellence and Student Experience introduced the paper providing the board with an update on the OfS's developing sector level work to champion free speech and the evidence base to support it. Particular focus was being given to the challenges facing providers in how to ensure there are effective mechanisms in place to protect and promote freedom of speech. She commented that:

- i. The OfS stands for the widest possible definition of freedom of speech within the law and seeks to work with the sector to bring about a culture of robust civility where a broad spectrum of views is encouraged.
- ii. The Joint Committee on Human Rights had looked at the issue of freedom of speech on campus and concluded that overall there is support for the principle of freedom of speech across the sector and that there is no evidence of wholesale censorship of debate in universities. The Committee's concerns were that the complexity of the regulatory landscape may stifle debate, leading to a culture of self-censorship.
- iii. An analysis of data provided to the OfS suggested there was no real evidence of suppression of freedom of speech on campus. However,

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there was more work to be done to address regulatory complexity by developing some practical guidance for providers.

- iv. The OfS needed to speak with consistency on the issue of freedom of speech and to challenge ourselves about when to speak proactively on this subject.

14. The following points were raised in discussion:

- i. There needs to be evidence of a systematic problem in relation to freedom of speech for OfS to investigate and then act within its powers. It is unlikely one complaint from a political campaigning group would trigger this. It is important for OfS not to favour one group or view over another.
- ii. In confirming his personal commitment to the issue, the chair advised he had previously given evidence to the Joint Committee on Human Rights at which he had given his assurance that the OfS would do all it could to ensure free speech at universities.
- iii. The Equality and Human Rights Commission, working with OfS, the Charity Commission and others, are collating guidance on free speech. This is a response to the legal and regulatory complexity highlighted by the JCHR.
- iv. OfS needs to continue to shine a spotlight on and promote freedom of speech. This work should dovetail with that of others operating in this sphere and focus how, in practice, freedom of speech can be promoted.
- v. In future, the OfS may be asked to report on matters relating to freedom of speech, including what complaints have been received and how they have been dealt with.

15. The board:

- i. Noted the latest evidence base.
- ii. Discussed and agreed the proposal that the OfS should work in partnership with others to develop and deliver an interactive event to bring students and providers together to showcase projects and initiatives that are tackling some of the challenges around operationalising free speech.
- iii. Discussed and advised on the OfS's proposed approach to champion free speech within the law across the English higher education sector.
- iv. Were strongly supportive of this agenda and agreed the proposed plan of activity until year end 2018.

Chief executive's report (paper 6.1)

16. The chief executive presented her paper which provided an update on work undertaken and issues that have arisen since the date of the last board meeting on 26 July 2018. She highlighted the following issues.

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- i. The new vice chancellor at the University of Bath has been appointed and on a significantly lower salary than the previous postholder. The area of vice chancellor pay was one in which the OfS had been vocal.
- ii. The organisational design process is continuing with job matching the next stage. Although the majority of staff will not match without competition, they are continuing to work hard and with professionalism. There are more posts available than current staff so additional recruitment will be required.
- iii. A review of board effectiveness, led by the deputy chair and the Governance team, will be initiated shortly.
- iv. A Treasury led consultation is looking at significant increases in employer contributions to the Teachers' Pension Scheme (TPS). This will impact negatively on a number of higher education providers.

17. The following points were raised in discussion:

- i. A paper on people related issues will come to the board for consideration in early 2019.
- ii. Exempt from publication

18. The board:

- i. Noted the updates contained in the paper.
- ii. Noted the actions taken by the chief executive under delegated authority for the period 17 May to 31 August 2018.
- iii. Noted the likely future business for the board.

Report from the Risk and Audit Committee (paper 7.1)

19. The chair of the Risk and Audit Committee gave an oral update on the outcomes of the meeting held on 19 September 2018. She reported that:

- i. A lot of work had been done on a new risk management approach for the OfS and to create a comprehensive risk register. There is further work to do to identify those small risks which would not routinely be of concern but where, collectively, they may be significant. Alongside these lie those big, one off risks that can be difficult to anticipate.
- ii. The Committee had given some initial thought to the options for internal audit provision from 2019 onwards.

20. The board:

- i. Suggested the Committee could consider how an increase in pension contributions could impact on the OfS as an employer.
- ii. Received the oral report of the Risk and Audit Committee meeting held on 19 September 2018.

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- iii. Noted the written report of the Risk and Audit Committee meeting held on 26 July 2018, from which the board received an oral report at its last meeting.

Report from the Provider Risk Committee and discussion of emerging issues (paper 8.1)

21. The chair of Provider Risk Committee updated the board on the outcomes of the meeting held on 13 September 2018.
22. The following points were made in discussion:
 - i. This is a continuing process for the OfS and the issues that were being considered and addressed during the registration process would continue to be important as the OfS developed its approach to the general monitoring of registered providers. The board had welcomed the opportunity for a more extensive discussion of these issues during its awayday and would wish to repeat this exercise in future.
23. The board received the report and thanked the Committee and OfS colleagues for all the work they are doing as part of the registration process.

David Palfreyman, Monisha Shah and Steve West left the meeting at 14.20. The meeting continued for discussion of two additional items for which a confidential minute was taken.

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**Outstanding actions arising from current and previous board meetings:
Status update**

Exempt from publication