

The specialist provider panel: Approach to the nomination of members

Introduction

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

Our four regulatory objectives

All students, from all backgrounds, and with the ability and desire to undertake higher education:

- are supported to access, succeed in, and progress from, higher education
- receive a high quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure
- are able to progress into employment or further study, and their qualifications hold their value over time
- receive value for money.

2. Our regulatory framework is designed to mitigate the risk that these primary objectives are not met. It states how the OfS intends to perform its various functions and provides guidance for registered higher education providers on the ongoing conditions of registration.¹ Our approach to regulation is principles-based so that it can apply to the diverse nature of English higher education. Our insight brief explains more about our regulatory approach.²
3. This document gives details on how and why we are establishing a specialist provider panel, its remit, and guidance on the nomination process.

The specialist provider panel

4. The OfS is establishing a specialist provider panel (the panel) as a time-limited committee of the board to oversee and make decisions in relation to whether a registered higher education

¹ See www.officeforstudents.org.uk/advice-and-guidance/regulation/the-regulatory-framework-for-higher-education-in-england/.

² See www.officeforstudents.org.uk/news-blog-and-events/press-and-media/principles-based-regulation-ofs-publishes-new-insight-brief/.

provider is a world-leading specialist provider. These decisions will be informed by submissions made by eligible providers judged against published criteria.

5. We are establishing the panel to have independent members who bring relevant experience and expertise in various academic specialisms. We expect to appoint independent members to the panel by March 2022. The chair of the OfS board will chair the panel and an OfS director will also be a member. The panel can seek specific advice from other experts in relevant discipline areas with similar experience and roles to the review panel and it may draw this expert advice from others that were nominated to the panel, or from others that the panel believe will have the necessary expertise to advise on a particular subject area.
6. The draft terms of reference for the panel were published in Annex C of our consultation on ‘an approach to world-leading specialist provider funding’.³ These will be reviewed and published following the analysis of responses to the consultation.

We are looking for nominations of individuals with an internationally recognised reputation in their specialism and the knowledge and experience which would enable them to draw conclusions from data and qualitative information to form rigorous evidence-based judgements about whether a provider is world-leading, based on the education and related activities it offers in its specialism.

7. We are seeking nominations that collectively will provide broad coverage of the subject areas that specialist providers in England primarily offer.

Context of the panel’s work

8. The funding the OfS allocates to specialist providers is additional funding that recognises the higher cost and distinctive nature of (primarily small) specialist higher education providers, and the public value that they bring to the sector. These providers contribute significantly to the diversity of the higher education provider landscape, and offer prospective students enhanced choice in the nature of the higher education experience.
9. The current specialist funding is provided to a subset of providers based on the outcomes of a Higher Education Funding Council for England (HEFCE) review during 2015-16.⁴ Providers demonstrating that they met all criteria under the HEFCE review were eligible for funding. For 2021-22, in line with the condition of grant set out in the Secretary of State’s letter of 25 March 2021,⁵ we have increased the previous allocations by approximately 11.5 per cent, so that they now total £48 million across 16 providers. HEFCE stated that, ‘dependent on government priorities and the higher education teaching budget, we would expect funding to be allocated until 2019-20. In 2019, allocations for 2020-21 would be reviewed again.’ This review has been delayed due to a number of factors, and we recognise that providers that were not eligible for the last review in 2015-16 have been unable to access this funding. We recently undertook a

³ See: www.officeforstudents.org.uk/publications/consultation-on-an-approach-to-world-leading-specialist-provider-funding/.

⁴ HEFCE was a predecessor of the OfS. For information about its review of specialist provider funding, see: <https://webarchive.nationalarchives.gov.uk/20170110155430/http://www.hefce.ac.uk/it/howfund/institution/>.

⁵ Available from: www.officeforstudents.org.uk/advice-and-guidance/regulation/guidance-from-government/.

consultation, proposing a new approach to world-leading specialist provider funding.⁶ This is an opportunity to ensure all providers that meet eligibility criteria are able to be assessed. Our consultation also recognised the different remit and funding powers that the OfS has compared with HEFCE and changes since the last review affecting providers and their finances.

10. Our consultation proposes that providers that meet initial eligibility criteria will be eligible to make a submission to the panel to be assessed as world-leading. We are currently analysing responses to our consultation and will publish the outcome in due course. However, the responses support our approach to establishing a panel and we need to start the nominations process now so we can make funding decisions in advance of the 2022-23 academic year. The panel will have delegated authority to make decisions about whether a provider meets the criteria for being world-leading. If a specialist provider registered with the OfS in the Approved (fee cap) category⁷ is considered world-leading by the panel it will be eligible in principle to receive funding from the targeted allocation. Decisions about the level of funding a provider will receive from the specialist funding allocation will form part of the normal OfS funding decision making process and **will not** involve the panel.
11. We are now seeking nominations from organisations of individuals to become members of the panel.⁸

Appointment

12. We expect the panel to be active for about a four-month period (approximately February – April 2022). However, this period may need to be adjusted and extended depending on the analysis of the consultation responses, and the volume and complexity of the submissions made by providers. We would expect decisions by the panel to be taken no later than June 2022.
13. Although the actual time commitment of panel members will be dependent on the volume of submissions, we expect members to spend around 2-3 days a month on panel business.
14. Members will be appointed to the panel as individuals and, if they are unable to attend, representatives may not stand in. Members are expected to conform to the standards set out in the OfS code of conduct.⁹ This applies to all members. Members must also register any relevant personal interests, and these will be published on the OfS website.

We are seeking nominations that collectively will provide broad coverage of the subject areas that specialist providers in England primarily offer. This does not require coverage of all subjects offered in higher education.

⁶ See www.officeforstudents.org.uk/publications/consultation-on-an-approach-to-world-leading-specialist-provider-funding/.

⁷ See www.officeforstudents.org.uk/advice-and-guidance/regulation/how-to-register/what-can-registered-providers-do/.

⁸ Details of the nomination process are on our website: www.officeforstudents.org.uk/advice-and-guidance/funding-for-providers/funding-for-specialist-providers/the-specialist-provider-panel/.

⁹ See 'Board proceedings and code of conduct', available from: www.officeforstudents.org.uk/about/who-we-are/our-board-and-committees/.

15. Annex B of our consultation provides an indicative list of providers that we expect to meet proposed eligibility criteria for being specialist providers. These providers commonly specialise in subject areas such as:

- medicine and healthcare disciplines
- agriculture and veterinary science
- music and other performing arts
- creative arts
- media studies
- theology
- business and management
- law
- architecture.

We expect the panel will need to be able to form judgements about whether providers that specialise in such subjects are world-leading (based on their education and related activities), as well as any other subject areas that constitute a significant proportion of a specialist provider's activities.

16. It should be noted that to ensure the panel is sufficiently informed on a subject area, it can seek specific advice from other experts in relevant discipline areas with similar experience and roles to the review panel. The panel, through the course of its work to make decisions about whether a provider is world-leading, will determine if this additional expert advice is required. It may draw this expert advice from others that were nominated to the panel, or from others that the panel believe will have the necessary expertise to advise on a particular subject area. We do not intend to run a separate nominations process to identify this expertise, but our online nomination form provides the opportunity for a nominating body to confirm whether nominees would be prepared to provide this advice if they are not appointed to the panel itself.

Guidance on making nominations to the panel

17. In considering nominations to the panel we want to ensure that we reflect a wide spectrum of subject specialisms and that members of the panel have an internationally recognised reputation in their specialism. We also want to monitor the nomination pool to support us in establishing a diverse panel, to monitor equality and diversity data across all our committees and that any potential conflicts of interest for panel members are minimised, declared and managed.

18. With that in mind, we are seeking nominations for panel membership made by national or international organisations such as representative bodies (of employers, higher education providers, and professional or subject associations) and other relevant organisations, including providers, such as other regulators or funders. We are looking for nominations of individuals with an internationally recognised reputation in their specialism with the knowledge and experience of drawing conclusions from data and qualitative information to form rigorous evidence-based judgements about whether a provider is world-leading in its specialism.

19. It should be noted that we will **not** accept nominations:

- a. Made anonymously or by individuals (rather than organisations). We want to ensure that those nominated have the confidence of a wider community that is relevant to the assessment of specialist providers.
 - b. Of individuals who are currently, or are known will be, employed (whether paid or unpaid) by, or studying at, a specialist provider that meets the proposed initial eligibility criteria to make a submission to the panel.
 - c. Of individuals with an immediate family member¹⁰ who are currently, or are known will be, employed (whether paid or unpaid) by, or studying at, a specialist provider that meets the initial eligibility criteria to make a submission to the panel.
20. This is to ensure that we minimise conflicts of interest among panel members. We recognise that nominating bodies may not be aware of all potential conflicts of interest and will therefore contact nominees following nomination to ask them to declare any such interests, before deciding whether to confirm their appointment.
21. Nominating organisations may put forward more than one nominee, but only if they provide expertise in different subject specialisms, as defined by level 1 of the Common Aggregation Hierarchy (CAH) of the Higher Education Classification of Subjects (HECoS): they may not nominate more than one person per subject specialism.¹¹
22. Nominating bodies are requested to nominate only individuals that meet the person specification and are available and willing to contribute to the panel.

Meeting arrangements

23. Meeting arrangements will be confirmed in due course, following the analysis of responses to our consultation and the likely number of providers that are eligible to make a submission to be considered world-leading. However, we do anticipate that:
- a. Meetings will take place between February and April 2022. As noted above, this could be extended slightly, but we do expect decisions to be taken no later than June 2022. We expect that meetings will primarily take place online, using video-conferencing software applications. They will not be recorded.
 - b. Time will also be needed before each meeting for reading and preparation.
 - c. An attendance fee of £300 is paid for each meeting (including preparation time). Travel and subsistence expenses, if applicable, may be claimed in accordance with OfS policies.
 - d. Papers will be circulated to members electronically using a browser-based board portal, normally aiming to do so one week before the meeting.

¹⁰ We define immediate family members as an individual's spouse or partner, parents and grandparents, siblings, children or grandchildren.

¹¹ Level 1 of the CAH is defined at www.hesa.ac.uk/support/documentation/hecos/cah-list. For further information about HECoS codes, see: www.hesa.ac.uk/support/documentation/hecos.

Nomination process

24. The OfS embraces and promotes equality, diversity and inclusion and we want our committee membership to reflect this. We note that black, Asian and minority ethnic people, and disabled people, are underrepresented among our independent committee members in relation to the Cabinet Office's diversity action plan for public appointments, and we particularly welcome nominees from these groups. We recruit on merit on the basis of fair and open competition.
25. To make a nomination, please complete the online nomination form and ensure your nomination addresses all the essential criteria listed in the person specification to outline why the nominee is suitable, as we will assess their suitability for the role against these criteria. Those selecting nominees for the panel may also take into account the balance of the background and skills of the wider membership of the panel in their decision making.
26. The online nomination form, together with the role description and person specification, are available on the OfS website.¹²
27. On receipt of nominations, the OfS will contact all those individuals nominated to:
 - Confirm their availability and willingness to be on the panel
 - Submit their equality and diversity data – optional (for more information see the privacy notice¹³)
 - Submit conflict of interest data
 - Confirm if they want to add anything else to the submission made by the nominating body (we will share the information the nominating body has submitted with nominees)
 - Confirm they are happy to be potentially contacted to give expert advice if not appointed to the panel.
28. The deadline for nominations is noon **Friday 4 February 2022**. (This deadline was extended by two weeks from 21 January 2022.)

Shortlisting process

29. The chair of the panel and the OfS director will undertake shortlisting, with advice from OfS staff.
30. All nominations will be treated confidentially and we will ensure that nominations are only circulated to those involved in the shortlisting process.
31. We will assess each applicant objectively and consistently against the selection criteria listed in the person specification. When shortlisting, we will assess each candidate in turn using the

¹² See www.officeforstudents.org.uk/advice-and-guidance/funding-for-providers/funding-for-specialist-providers/the-specialist-provider-panel/.

¹³ The full privacy notice for nominations of individuals to become members of the OfS specialist provider panel is available at: www.officeforstudents.org.uk/ofs-privacy/other-privacy-notices/.

information provided in the nominations form against the essential criteria and then the desirable criteria.

32. If nominees choose to supply equality and diversity data, we will not make this information available to any staff outside of our Human Resources team (including the chair of the panel and the OfS director) in a way that can identify them. Their nomination will not be affected if they choose not to supply equality and diversity data. We are collecting this data to support the panel is diverse and to monitor equality and diversity data across all our committees.
33. Before confirming any appointments, we will ask the selected nominee to declare any interests they, or members of their immediate family, have in higher education providers. We will also undertake a due diligence process which may include OfS staff conducting a light touch search of social media.
34. The chair of the OfS board will approve the final panel membership and this will be published on the OfS website.
35. We may decide to interview nominated individuals. If we invite a nominee to an interview, we will ask if they require any reasonable adjustments to be made in relation to the interview process. This information will be held and used separately from the nomination form. We intend to make the formal appointments by March 2022.

For further information, please email specialists@officeforstudents.org.uk.