

**Draft minutes of the OfS Board meeting, 26 July 2018**

**Location: Finlaison House, London**

**Timings: 14.00-17.00**

Present members: Sir Michael Barber (chair)  
Martin Coleman (Deputy chair)  
Ruth Carlson  
Nicola Dandridge (Chief Executive)  
Gurpreet Dehal  
Elisabeth Fagan  
Katja Hall  
Kate Lander  
Simon Levine  
Chris Millward (Director for Fair Access and Participation)  
David Palfreyman  
Monisha Shah

Observer: Ian Coates, Department for Education

Apologies: Steve West

Officers: Josh Fleming, Chief of Staff to Sir Michael Barber  
Paul Huffer, Head of Legal  
Paula McLeod, Governance Adviser  
Richard Puttock, Head of Data, Foresight and Analysis  
Nolan Smith, Director of Resources, Finance and Transformation

### **Institutional issue**

1. Exempt from publication.
2. Exempt from publication.
3. Exempt from publication.

### **Chair's welcome**

4. The chair welcomed Ian Coates from the DfE who was attending in place of Philippa Lloyd. He noted that Steve West had sent his apologies but had provided comments on the papers. Susan Lapworth, Yvonne Hawkins and Conor Ryan had also sent their apologies.
5. The chair advised that he and the chief executive had met with both the Secretary of State and the Universities Minister, to discuss the OfS and its work. They were supportive of what OfS is doing. They had also met with Philip Augar, the lead on the Post-18 funding review. The chair expressed his thanks to OfS colleagues who had been helpful in providing data to inform the work of the review.
6. He noted he visited a number of providers as well as Jaguar Land Rover and had the opportunity to discuss degree apprenticeships with them.
7. He reported that the OfS is continuing to manage the communication challenges of a number of issues in the sector whilst still trying to create a sense of optimism.
8. In response to a question raised by a member, the Director for Fair Access and Participation confirmed that work was underway to look at the issue of unconditional offers. This will come back to the board in the autumn.
9. 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)**

10. The minutes of the meeting held on 29 May 2018 were approved.

### **Student panel report (paper 3.1)**

11. Ruth Carlson introduced the report from the Student panel, including the minutes of its meeting held on 10 July 2018. The recommendations of the panel's two sub-panels – on student engagement and value for money – have made their recommendations to the OfS board. A further sub-panel looking at student wellbeing will be established.

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12. The following points were made in discussion:
- i. The student engagement sub-panel is feeding into the OfS's work on its student engagement strategy.
  - ii. Language and transparency is important when talking about value for money. "Fair" does not always mean "equal".
  - iii. The outcomes of the Student panel is being built into the work of the OfS and, in particular, to the Information, advice and guidance strategy.
  - iv. If it would be helpful, a board member could arrange to attend a future panel meeting.

13. The board received the report.

### **Equality and diversity statement for the OfS (paper 5.1)**

14. The Director for Fair Access and Participation introduced the paper setting out a new equality and diversity statement and objectives for the OfS. He advised this has been produced in consultation with a number of other bodies and looks to challenge the OfS itself as an employer, as well as providers, and that a specific objective would be added on this as a result of work on the transformation programme.

15. The following points were raised in discussion:
- i. As an employer, it would be helpful for the board to have sight of the relevant E&D information before it is published on the website.
  - ii. Thought should be given to those third parties and suppliers OfS spends money with and how well they reflect our values.
  - iii. We need to think about promoting inclusivity beyond the legal requirements of the protected characteristics.

16. The board:
- i. Commented on the draft E&D statement and objectives.
  - ii. Noted the additional work to be done before it becomes a public document.
  - iii. Agreed to delegate authority to the chief executive to finalise their publication alongside the new E&D data on the OfS website in early autumn 2018.

### **Data strategy (paper 6.1)**

17. The Head of Data, Foresight and Analysis introduced the paper setting out an overview of the OfS data strategy, including our vision, and the process of consultation and timetable for publication. He commented that:

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- i. All OfS decisions will need to be underpinned by robust data, including the use of more qualitative data as well as data captured from social media.
- ii. OfS was designated as an official statistics provider on 20 July 2018. This brings with it legal responsibilities on the use of data.
- iii. OfS will need to ensure data is shared and used ethically, whilst still enabling OfS to be transparent in its decision making.
- iv. The OfS will work with providers to minimise burden and to ensure their data is robust and fit for purpose

18. The following points were raised in discussion:

- i. The vision statement should be to “inform” delivery rather than “support”.
- ii. The strategy needed to reflect the board’s desire to be much more ambitious, not only to build on the data the OfS has but to exploit it more effectively. They stressed that this should be reflected in the next version of the strategy.
- iii. Reducing burden needs to be a key part of the strategy.
- iv. Initial discussions on the draft strategy have taken place with DfE. The OfS will engage with them further as the strategy develops.

19. The board:

- i. Endorsed the vision statement with the suggested amendment.
- ii. Agreed the definition of data.
- iii. With a desire to see more ambition in it, agreed the broad principles that will form the basis of the strategy.

### **Key performance measures (paper 7.1)**

20. The chief executive introduced the paper setting out revised key performance measures which take into account feedback from the board at its May meeting. She noted the importance of this document which will define how others see the OfS as well as how we measure ourselves.

21. The following points were raised in discussion:

- i. There is further work to do on presenting the KPM’s, including to those outside of the sector. This may include using a dashboard.
- ii. We should be explicit about what other measures are being considered and when these will be published.
- iii. The KPM’s reflect the actions set out in government guidance to OfS.
- iv. NSS data is only one way of considering student satisfaction. The student panel could look at other ways in which this could be measured.

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22. The board:

- i. The board approved the key performance measures for publication.
- ii. Received the paper.

### **OfS and mature students' access and participation (paper 8.1)**

23. The Director for Fair Access and Participation introduced the paper setting out the patterns of participation for mature students and OfS activity in this area. The board was invited to identify priorities for the OfS's work, noting that mature student participation would part of the Post-18 review of higher education.

24. The following points were raised in discussion:

- i. There is a need to better identify the problem we are trying to fix. Given changes in the workforce and in wages overall it is not realistic to expect to go back to the previous mature student market.
- ii. The proposed working age participation analysis would be helpful here together with geographical analysis of patterns of demand and employer skills needs.
- iii. OfS should focus on identifying and addressing evidence-based barriers to student choice and meeting skills requirements, rather than setting targets for and supporting providers in this area.
- iv. The board were supportive of the Director for Fair Access and Participation's proposal to focus on developing degree apprenticeships by addressing barriers to their growth.
- v. Clear and concise communications were needed to demonstrate what the OfS is doing about this issue.

25. The board:

- i. Noted the nature of the decline in mature students' access and participation in higher education.
- ii. Noted that the financing of mature students and part-time study in higher education is a priority for the post-18 review.
- iii. Provided advice on the ways in which the OfS should be active in addressing the decline in mature students' access and participation, taking into account its regulatory levels and the activity currently underway.
- iv. Advised on the most important priorities for its work, given the limited resources available.

### **Guidance for managing potential conflicts of interest (paper 9.1)**

26. The Director of Finance, Resources and Transformation introduced the paper providing further guidance on the identification, reporting and management of

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potential conflicts of interest, building on the board's discussions at the May meeting.

27. The following points were made in discussion:

- i. There was a risk the board would lose valuable expertise if members had to be excluded from particular discussions. As a new board it perhaps lacked a level of confidence and was erring on the side of caution. But the board needed to take into account that its decisions could affect not just a particular institution but others across the sector.
- ii. Based on her involvement with the Committee on Standards in Public Life and their report on ethics for regulators (Striking the Balance: Upholding the Seven Principles of Public Life in Regulation), Monisha Shah noted the benefits of having people from the sector in terms of technical knowledge and promoting compliance, but also that conflicts and perceptions of conflict and key and should be carefully managed.
- iii. Rather than fixed rules, there should be clear guidelines which would enable the chair or the member themselves to manage any conflict. These need to protect both the OfS from criticism but also individual members.

28. The board:

- i. Agreed it was right to err on the side of caution and exclude members from discussions where necessary whilst also recognising that this could result in a potential loss of expertise around the table.
- ii. Welcomed the offer from the Assessor to seek advice from relevant colleagues in the Cabinet Office and DfE. The OfS guidance would be reviewed in light of this.
- iii. Briefing notes for members on the key messages they could use in their engagement with providers would be updated.

### **Innovation Challenge Fund (paper 10.1)**

29. The Director for Fair Access and Participation introduced the paper setting out details of the first competition for funding to be issued through the new Innovation Challenge Fund, to address the progression outcomes for those graduates who seek post-higher education employment in their home domiciled region, and the governance, management and operation of the fund overall to enable its successful delivery.

30. The chair noted Steve West had declared a conflict of interest in this paper as his institution was likely to make a bid to the Fund.

31. The following points were raised in discussion:

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- i. Engagement with students will be a criteria of the Fund. It was suggested that a student could be invited to take part at some point in the decision making process of the Fund.
- ii. It would be important to ensure connectivity with the UKRI Strength in Places for which the OfS is a member of the Advisory board.

32. The board:

- i. Commented on the draft specification for the competition and delegated authority to the Chief Executive to agree the final version to enable the fund to be launched.
- ii. Agreed the governance, management and operational arrangements for the fund.
- iii. Noted the process for decisions and approvals including the delegated authority for the Chief Executive.
- iv. Agreed that the fund should operate competitions on specific priorities throughout the academic year, and should not accept speculative bids outside of these processes.
- v. Agreed that priorities for funding should be set by the board on an annual basis, and to delegate authority to the Chief Executive to agree all new competitions as required throughout the year.
- vi. Agreed to receive an annual progress report including details of the fund's budget.

**Quarter 1 finance report financial year 2018/19 (paper 11.1)**

33. Exempt from publication.

34. The board:

- i. Noted year-to-date and forecast positions on Administration costs.
- ii. Noted year-to-date and forecast positions on Programme expenditure.

**Chief Executive's report (paper 12.1)**

35. 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 29 May 2018. She highlighted the following issues:

- i. The registration process is fully underway and she thanked the Provider Risk Committee for all the work they had done to support this work. Decisions have been made for 42 providers. 369 applications have been received to date and she was confident the majority would be given decisions by September. For those where the cases were more complex, further time would be needed.
- ii. The organisational restructure is continuing and a formal consultation process on the new structure is underway with staff and the recognised

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trade union. A job matching process will be carried out in August. For those staff not matched, interviews for the remaining posts will take place in September.

- iii. As a result of the registration process and the work to restructure the organisation, she noted that staff were working at full capacity.
- iv. Exempt from publication.

36. The board:

- i. Noted the updates contained in the paper.
- ii. Agreed the amendments suggested to the OfS Scheme of Delegation.
- iii. Noted the likely future business for the board.

#### **Report from the Quality Assessment Committee (paper 13.1)**

37. The chair of the Quality Assessment Committee updated the board on the outcomes of the meeting held on 16 July 2018 and, in particular, the role of the designated quality body. He thanked Susan Lapworth and her colleagues for all their support and advice to the committee.

38. The board received the report.

#### **Report from the Provider risk committee (paper 14.1)**

39. The chair of Provider risk committee updated the board on the outcomes of the meeting held on 10 July 2018 and again thanked Susan Lapworth and her colleagues for their work.

40. Exempt from publication.

41. The Chief Executive confirmed some generic sector-level guidance will be produced once the registration process is complete.

42. The board received the report.

#### **Update from the Risk and Audit Committee**

43. The chair of the Risk and Audit Committee gave an oral update on the outcomes of the meeting held prior to the board on 26 July 2018 which had been attended by the three new independent members and had given the committee a new tone and more proactive focus. She commented that:

- i. Exempt from publication.
- ii. Internal Audit will carry out more work looking at post-implementation of the Workday system and, in due course, the Registration process.
- iii. Cyber and data security issues are high on the committee's agenda.
- iv. With thanks to the Director of Finance, Resources and Transformation, the risk management framework has developed much further and a first cut of the risk register will be considered at the next meeting



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44. The board received the update.

**Any other business**

45. The chair thanked the board for their contributions to the discussions and to the Executive and officers for their work on the papers.

The meeting finished at 17.20.