



## Approved minutes of the OfS board meeting – 11 February 2026

Present members: Professor Edward Peck (Chair)  
Dr Arif Ahmed (Director for Freedom of Speech and Academic Freedom)  
Verity Hancock  
Susan Lapworth (Chief Executive)  
Simon Levine  
Jane McCall  
Professor Chris Millward (Director for Fair Access and Participation)  
Caleb Stevens  
Neil Swift  
Simon Wilde  
Andrew Wilson

Attendees: Patrick Curry (Director, Higher Education Oversight, Department for Education)  
Clare Roberts, PA Consulting (observer) (excluding items 8 and 16-18)

Apologies: None

Officers: Jean Arnold, Director of Quality and Access  
Josh Fleming, Director of Strategy and Delivery  
David Heron, Head of Governance  
Katherine Jacob, Corporate Governance Senior Officer  
Philippa Pickford, Director of Regulation  
Nolan Smith, Director of Resources and Finance  
Sarah Stoney, General Counsel

### Item 1. Chair's welcome

1. The chair welcomed board members, OfS officers, the Department for Education (DfE) representative, and the observer from PA Consulting.
2. No apologies were received.
3. This was the last board meeting of Susan Lapworth, Chief Executive. The chair paid tribute to Susan's long and valuable commitment to the OfS and the higher education sector.
  - a. Susan joined the OfS's predecessor body, the Higher Education Funding Council for England (HEFCE) as its Registrar in September 2014. She became HEFCE's Director of Regulation and Assurance in February 2016 and played a key role in the transition from HEFCE to the OfS. She was the OfS's Director of Competition and Registration, and then its Director of Regulation from April 2018 to April 2022. In these roles she was central to the development and implementation of the OfS's regulatory approach; delivering the initial registration of providers with the OfS; developing the OfS's

approach to monitoring, intervention, enforcement action, and monetary penalties; and responding to the challenges of this work during the Covid period.

- b. Susan was appointed interim Chief Executive from May 2022 and substantive Chief Executive from September 2022. Under Susan's leadership, the OfS assumed full responsibility for quality and standards assessment from 1 April 2023, with a stronger, more outcomes-focused regulatory approach. As financial pressures across the higher education sector intensified, she led the OfS's response, ensuring focus on institutions facing significant financial risk and on the need to protect the interests of students through a period of growing instability. Throughout this period, she steered the OfS's regulatory strategy through substantial political shifts and an expanding remit.
- c. Susan's almost 12 years of service to the OfS and HEFCE and her hard work and creativity has had a huge impact on the shape of regulation in higher education in England.

- 4. The board warmly thanked Susan for her contribution to the OfS and the higher education sector.

## **Item 2. Minutes of the last meeting**

- 5. The minutes of the board meeting on 10 December 2025 were approved with no amendments.

## **Item 3. Chair's report**

- 6. The chair summarised a discussion of the board on business planning and finances at its planning meeting in the morning of 11 February:
  - a. The board acknowledged the DfE's financial commitment to the OfS in challenging times. This had been particularly valuable in the last year to allow the OfS to engage effectively with institutions on financial sustainability matters. The board emphasised the shared challenge of the mismatch between the resources available and the scale of the work that is needed.
  - b. Exempt from publication.
  - c. Exempt from publication.
  - d. Exempt from publication.
  - e. Exempt from publication.
- 7. Exempt from publication.
- 8. The board noted that if there is not additional funding for the free speech complaints scheme, there will need to be reduction in OfS activity elsewhere. The board will sign off the 2026-27 business plan at its May meeting, when trade-offs will be presented for discussion. DfE will make ministers aware of the trade-offs.
- 9. The chair has carried out interviews for a new OfS chief executive and an announcement is expected in March.

10. The chair has carried out interviews for new non-executive board members. Five candidates have been submitted to the Secretary of State with a recommendation of immediate appointment. Two candidates have been recommended to be held in reserve.
11. Caleb Stevens's term on the board has been extended for two years. Caleb was congratulated by the board and thanked for his contributions.
12. Alex Killick has been appointed as a new independent member of the OfS People Committee. He has significant experience of people and organisational culture matters.
13. The chair and OfS colleagues met with colleagues from UK Research and Innovation and Research England. A workshop is planned to consider how the three organisations can best work together towards the vision set out in the government's white paper, and plans will be brought to the board in May. A memorandum of understanding will be agreed. The OfS is also working with the research bodies on research assets and related risks where institutions are facing financial risks, reflecting a shared interest in stewardship of the sector.
14. The OfS is collaborating with the Committee of University Chairs on its work to review its higher education governance code. The OfS recognises many of the issues identified during the evidence gathering phase.
15. The chair and the Director for Freedom of Speech and Academic Freedom joined a ministerial round table on foreign interference. The discussion emphasised the importance of free speech and academic freedom, with the principal threats including harassment of students and repression of academics. DfE is establishing an academic interference reporting route for sector senior leaders, and is investing £3 million in training and support.
16. The government is developing a social cohesion strategy, and it is anticipated that the OfS will be referenced in relation to our work on Prevent.
17. A Public Affairs Committee will be established as a committee of the OfS board. Initially, some members are being co-opted to consider emerging issues and to help establish the ways of working of the committee. Open recruitment will take place later this year.

#### **Item 4. Chief executive's report**

18. The chief executive highlighted the following points from her report:
  - a. The OfS's degree classification analysis and its investigations focused on classification algorithms are important steps forward in encouraging the sector to grip further the maintenance of standards. These are matters of significant public interest and the reputation of the sector is materially affected by concerns about dilution of standards and degree outcomes.
  - b. A consultation on student consumer rights is due to be launched in March. It will set out the OfS's view on the consumer protection standards that should be in place at higher education providers. Our work in this area will have a significant positive impact on large numbers of students, as it focuses on ensuring they are treated fairly.

## Item 5. Operating environment

19. The paper provided an overview of recent political, sector and student developments that shape the OfS's operating environment.
20. Since the paper was circulated, there has been significant media attention on the government's changes to Plan 2 student loans. The board noted that higher education funding policy is not within the remit of the OfS, even though it is a significant issue for students and former students. **Exempt from publication.**
21. Government policy on loan repayment plans and maintenance loans could be relevant to the OfS's work to support access, and could also affect apprenticeships.
22. The following comments were made on other parts of the paper:
  - a. The board supported the publication of a summary of the responses to the Student pulse surveys.
  - b. Board members are keen to take part in the programme of provider visits in the coming months.
  - c. The board noted the connections between the government's recently published international education strategy and the later discussion on transnational education.

## Item 6. Approach to consumer protection

23. The board reviewed a paper setting out developing proposals to consult on a new ongoing condition of registration that would require each provider to treat students fairly. It is particularly important that students are aware of their rights and have clear protection, given the significant investment of time and money they make in their education. There is often an imbalance of information and power between providers and students and there are significant barriers to switching once a student has made a choice.
24. The proposed new condition is likely to include a positive requirement for providers to treat students fairly, underpinned by positive principles that providers will need to meet. We are also likely to propose the inclusion of prohibited behaviours which broadly mirrors the requirements set out in the related initial condition. This is intended to drive a culture change (where this is needed) as to how governing bodies and senior leaders at institutions approach these issues – encouraging them to focus on whether the overall outcome for students is fair instead of a check list approach. Feedback from the Student Interest Board suggested that this clarity would be helpful for students who can more easily understand what they can expect when this is framed positively rather than as a list of negative behaviours.
25. The proposed condition is likely to include requirements for providers to publish specified policies and contractual terms clearly on their website and would therefore replace the current requirement for student protection plans.
26. In developing these proposals, the team has engaged widely, including with sector bodies, the Student Interest Board, with students at the most recent student debrief session, the Competition and Markets Authority and the Office of the Independent Adjudicator.

27. At its meeting yesterday, the Student Interest Board reviewed the proposals for the second time and gave positive feedback, including:
- a. The positive framing of required behaviours is helpful.
  - b. Support for the requirement to treat students fairly.
  - c. Language should be precise and specific.
  - d. Case studies would be helpful for students.
  - e. Providers should specify the number of hours of study that will be provided and any additional or hidden costs.
28. Feedback from sector bodies has been constructive, and this input has informed the development of the proposed positive principles.
29. The board strongly supported the direction of travel for the consultation and made the following comments:
- a. Taking feedback from the Student Interest Board into account, precise language will be important to ensure we can regulate with consistency and credibility.
  - b. The requirements would apply to services beyond the direct provision of higher education (such as where a provider offers student accommodation). The board suggested that it would be helpful to set out the scope of the condition explicitly.
30. The consultation will include timescales for next steps and a draft version of the guidance for providers.
31. The OfS already works on consumer protection issues, and currently refers cases to National Trading Standards.
32. Work on developing a model student contract is taking place in parallel to the work on the new condition, using a collaborative approach with stakeholders.

### **Item 7. Integrated approach to quality**

33. The board had discussed the initial analysis of responses to the consultation on an integrated approach to quality in detail at its board planning event. It had considered feedback from the OfS Provider Panel and Student Interest Board.

34. Exempt from publication.

35. Exempt from publication.

36. Exempt from publication.

37. Exempt from publication.

38. Exempt from publication.

**Item 8. Free speech and foreign interference**

39. The board had been provided with a briefing on current issues in relation to foreign interference, and had discussed these in detail at its planning event.

40. Exempt from publication.

41. Exempt from publication.

42. Exempt from publication.

43. Exempt from publication.

44. Exempt from publication.

45. Exempt from publication.

**Item 9. Report from the Risk and Audit Committee**

46. The board noted the written report of the November meeting of the committee.

**Item 10. Risk report**

47. The board received a report on the status of the OfS strategic risks.

48. The rapid growth of transnational education (TNE) is changing the shape of higher education provision and involves an increasingly large number of students. There are significant opportunities for students and providers, as well as significant risks. Some of these risks may be similar to those seen in oversight of some subcontractual partnerships in England.

49. The following comments were made:

- a. Poor quality provision in TNE is a reputational risk to the English higher education sector and therefore a potential risk to the UK's international reputation.
- b. Data on TNE is limited relative to UK-based provision, but planned changes to the Higher Education Statistics Agency's Aggregate Offshore Record will improve oversight from 2027. Moving to an individualised student record for TNE was paused in April 2025 to ensure providers have capacity to implement the move to in-year data.
- c. Board members noted that other countries will have varied requirements and arrangements for protecting their citizens engaging in such provision.
- d. Exempt from publication.
- e. Exempt from publication.
- f. Exempt from publication.
- g. Exempt from publication.
- h. Exempt from publication.
- i. Exempt from publication.

j. Exempt from publication.

k. As with any other potential breach of conditions, we would consider investigating if a significant issue came to our attention.

50. In relation to the OfS risk register, the board noted that there would be a discussion of risk appetite and tolerance at its July meeting.

### **Item 11. Oversight of the designated data body**

51. Exempt from publication.

52. Exempt from publication.

53. Exempt from publication.

### **Item 12. Report from the Provider Panel**

54. The OfS Provider Panel met for the first time on 2 February 2026.

55. The panel engaged in detail with the proposed work plan, and asked that the discussion on freedom of speech be brought forward. The panel also expressed interest in discussing governance of providers and in supporting the OfS in its communications to providers about financial sustainability issues.

56. The panel is supportive of the OfS's approach to industrial action and would welcome further guidance from the OfS to support engagement with unions and discussions with governing bodies. It agreed that there should be greater consistency across the sector in how providers respond to industrial action. The board agreed that it would be helpful for the OfS chair to address this issue in his next letter to chairs of governing bodies. There could also be benefit in collaborative work with other higher education organisations.

57. The panel was not supportive of our proposal for a call for evidence on the use of AI, as it took the view that there are other more expert bodies with which we can engage. A call for evidence could also create misconceptions that the OfS may intend to regulate use of AI.

58. To better understand the OfS's approach to regulation, the members of the panel should be made aware of the range of quality and poor practice in the sector. The OfS could also highlight some of these issues in future insight briefs.

59. It was confirmed that the panel will have early engagement on significant future consultations when its input could add value.

### **Item 13. Report from the People Committee**

60. The People Committee had met on 10 February and had welcomed Alex Killick as a new independent member.

61. Exempt from publication.

62. The commitments in the 2025-26 business plan were based on 81 new starters being in post, but as recruitment necessarily involves lead times, many of these joined as the year progressed. The board was impressed to hear that, despite this, a large majority of the

business plan had been delivered, representing a significant increase in pace across the organisation.

63. It was confirmed that the workforce plan has been designed with sufficient flexibility to adapt to the uncertainty that the OfS is facing in terms of future work. The board was impressed with the level of flexibility built into the staffing model, as well as the development of routes to enable staff to transition from support roles to frontline regulatory roles.

#### **Item 14. Report from the Quality Assessment Committee**

64. The board noted the report of the November 2025 and January 2026 committee meetings.

#### **Item 15. OfS finances**

65. A report on the OfS's financial performance for the nine months ended 31 December 2025 and the forecast position as of 31 March 2026 was shared with the board.

66. Exempt from publication.

67. The board noted the report.

#### **Item 16. Financial sustainability**

68. The board considered an early analysis of the data in providers' 2024-25 annual financial returns. The final analysis will be included in the annual report on financial sustainability, expected to be published in May.

69. There was a slight strengthening of the financial position of the sector in 2024-25. However, financial performance is expected to decline further in 2025-26 and thereafter the sector is projecting a slower recovery than previously forecast. This is partly driven by slightly more cautious forecasts for the forecast period, although the aggregate forecasts are still too optimistic.

70. Student recruitment is lower than forecast, with significant variation across the sector.

71. Exempt from publication.

72. There has also been an overall reduction in costs in 2024-25 and continued reduction in forecast costs alongside an increase in restructuring costs. We are doing more work to improve our understanding of the extent to which this is driven by sustainable actions and meaningful transformation or short term, reactive measures.

73. Exempt from publication.

#### **Item 17. Market exit cases**

74. The board received an update on market exit risk across the sector. The number of providers in the different risk categories has stayed relatively stable since the December board meeting.

75. Exempt from publication.

76. Exempt from publication.

**Item 18. Annual plan for board business**

77. The board noted the annual plan for board business.

**AOB**

78. No other business was brought to the attention of the board.

79. There will be an online board meeting to give the board the opportunity to sign off the consultation on the integrated quality model.

80. The next in person board meeting will be on 13 May 2026.