

Approved minutes of the OfS board meeting – 9 June 2025

Location: 10 South Colonnade, Canary Wharf, London

Present members:	Sir David Behan (Chair) Arif Ahmed (Director for Freedom of Speech and Academic Freedom) John Blake (Director for Fair Access and Participation) Martin Coleman Elizabeth Fagan Katja Hall Verity Hancock Susan Lapworth (Chief Executive) Simon Levine Caleb Stevens Neil Swift
Attendee:	Patrick Curry (Director Higher Education, Quality and Education, Department for Education)
Apologies:	None
Officers:	Jean Arnold, Deputy Director of Quality Amanda Charters, Chief of Staff Josh Fleming, Director of Strategy and Delivery Matthew Craddock, Deputy Head of Legal Philippa Pickford, Director of Regulation Nolan Smith, Director of Resources and Finance David Smy, Deputy Director of Enabling Regulation Mike Spooner, Senior Adviser to the CEO and Chair (clerk) Will Dent, Head of Financial Sustainability (item 7)

Item 1. Chair's welcome

1. Board members and the Department for Education (DfE) representative were welcomed. The chair extended a particular welcome to Neil Swift who was new to the board.
2. No apologies were received.

Item 2. Minutes of the last meeting

3. The minutes and the restricted minutes of the board meeting on 13 February 2025, as well as single-issue meetings held on 28 April and 19 May, were approved.
4. The board asked for an update on the recruitment of the relationship manager for Jisc. It was confirmed that this individual was now in post.

Item 3. Progress report on delivery of strategic goals from 2022-25

5. The report was the last that would be produced for the 2022-25 OfS strategy. The board was asked for its view on success in delivering this strategy, and any views that would help shape the final version of the new strategy.
6. The Student Interest Board had reviewed this paper and found the format helpful. The trends in the report broadly reflected their experiences and they had noted the fast-paced nature of the change in the sector. They had discussed the trend of an increasing number of students working while studying, noting that the experience of a 'typical' student is shifting.
7. The board welcomed the wide range of data in the report, **exempt from publication**.
 - a. There is considerable evidence that our access and participation work has affected providers' decisions and improved focus on equality of opportunity – in particular our work to increase the scale of evaluation and understanding of what works in access and participation has yielded changes in providers' recruitment, promotion, and attention to skilled staff in this area. However, the substantive impact on the sector's performance shown in the data has been less than hoped. In part this is the ongoing and deleterious effects of the pandemic and associated lockdowns on students, those in higher education at the time, and those entering now and in the next decade.
 - b. There is data suggesting a significant incidence of academics feeling inhibited in their speech, and of harassment on campus. **Exempt from publication**.
 - c. **Exempt from publication**.
8. The board stressed the importance of learning lessons from the delivery of this strategy to inform our approach in the new OfS strategy, with a particular focus on actions that would benefit students. In particular:
 - a. Provider governance was discussed as a recurring theme across the strategic goals and should be prioritised in future. We should consider whether our approach to date has worked and how it might need to evolve in the new strategy period. Better governance would also support the sector to be more agile and responsive to challenges.
 - b. **Exempt from publication**.
 - c. We need to consider whether we are collecting the right data to understand changes in the demand for different courses. This will be important in understanding whether geographical cold spots are developing or whether students' choices are being constrained by providers' decisions to address financial challenges.
 - d. **Exempt from publication**.
 - e. The language of 'students as consumers' is contested, but some parts of the student population undoubtedly see themselves and make their choices in this way. Our future approach needs to reflect the plurality of different student interests, segmenting the student population by the way in which they view themselves and behave in the market.

- f. Much of the language in the paper is compliance focused, and there also needs to be a recognition of the need for continuous improvement.
- 9. The board highlighted the importance of strategic agility in the next strategy period. While the OfS is adaptable to shifting priorities, the new strategy should be regularly reviewed to ensure it remains relevant. The report shows that the context in which we operate is shifting rapidly and we need to ensure that we can adapt our strategic goals if we see trends emerging that need to be addressed. The board asked that this be reflected in the process for overseeing the delivery of the new strategy at board level.
- 10. There was discussion about the difficulty in interpreting the patterns and trends highlighted in the paper and what these mean for our work in the absence of a clear policy direction for the sector from government. The forthcoming white paper needs to articulate a clear sense of what ministers wish the higher education sector to achieve. We can then align our work to focus on the outcomes that are desired.

11. Exempt from publication.

Item 4. Freedom of speech guidance

- 12. The board was asked to consider changes that had been made to the draft guidance since the interim board meeting in May. It was also invited to share views of the polling on academic freedom that was proposed for publication.
- 13. The board agreed that the draft guidance was a high quality piece of work. In particular, the examples were very helpful in interpreting what was necessarily a technical document. The board agreed that publishing the academic freedom research alongside would also be helpful to illustrate some of the issues. The board sought and received clarification on the approach to some of the specific examples of speech referenced in the text.
- 14. The importance of communicating the guidance effectively was discussed, including the need to use channels appropriate to target audiences. Relevant staff in the sector need to be able to access the document and understand how to use it. Some of the legal language is necessarily caveated because individual cases will depend on their facts. We should nevertheless seek to make the guidance as accessible as possible. Students and students' unions are a key audience for the document and the board asked that the guidance is shared at an appropriate point with the Student Interest Board.
- 15. It is likely that the guidance will attract significant attention once published and be read widely. The messaging that sits alongside will be important and should seek to answer questions before they are asked. We should ensure we have resources available to deal with queries and consider producing FAQs. The board requested the opportunity to provide feedback on any accompanying communications before the guidance is published.
- 16. The board noted recent freedom of speech and harassment cases that were arising in other countries, including in the United States. It reflected that with our guidance in place, the higher education sector in England will be in a stronger position to respond should similar issues arise, because of the usefulness of the practical examples.
- 17. The board agreed that the draft guidance should be finalised for decision-making.

Item 5. Risk report

18. The board received a report on the current strategic risks and the full list of corporate risks. The paper also presented a revised version of the OfS risk management policy statement.

19. Exempt from publication.

20. Exempt from publication.

21. The board approved the adoption of the revised policy statement with accompanying annexes.

Item 6. Report from the Risk and Audit Committee

22. A report of the March committee meeting was shared with the board. The committee had spent time discussing its role in relation to the other committees of the board and discussing plans for in-year student data collections.

23. Exempt from publication.

24. Exempt from publication.

25. Exempt from publication.

26. The board requested an item on the in-year data project for discussion at its next meeting, to include an overview of the investment made in Data Futures to date and the risks to the delivery of in-year data.

Item 7. Financial sustainability

27. The board received a report setting out the latest financial trends across the sector. The headline numbers reported at sector level mask some significant variation for individual providers. The picture across the sector is constantly moving, and the board was presented with additional slides showing the changes that had been modelled since the paper was circulated.

28. There is some evidence of reducing optimism bias in the sector's forecasts, but future increases in surpluses are still being driven by projected increases in student numbers. Given the wide knowledge of the challenges facing the sector, these underpinning assumptions remain problematic, despite the improvements, and the OfS should continue to highlight this.

29. The board reflected on the links between overly optimistic forecasts and poor governance. The OfS cannot intervene in relation to all the providers facing challenges; governing bodies need to be able to grip these issues and the OfS should set clear expectations in this context.

30. The board discussed the links to previous conversations about the purpose of higher education in England, and the steers needed from government. It would be important to understand ministers' appetite for market exits, and any views about preserving certain types of provision in certain geographical areas or specialisms. This would allow us to understand the scale at which we may have to intervene to protect students. While we are currently working closely with the DfE on a case-by-case basis, there remains a gap in tools for protecting students in some market exit scenarios and we need to continue to raise this.

31. The board also noted that the sector level data is lagged, making decision making more difficult, though we collected an in-year interim data set earlier in 2025 and we have more real time information for those providers facing more acute financial challenges.

Item 8. Market exit cases

32. Exempt from publication.

33. Exempt from publication.

Item 9. Protecting public funding

34. The board was asked to comment on the paper providing an update on work to reduce risks of the misuse of public funding, and risks to student outcomes and experience associated with subcontractual partnerships.
35. The board welcomed the update and asked about work to embed understanding of good practice in the sector. Lessons are being shared by internal audit firms that work in the sector, and the OfS has recently published an insight brief on these topics.
36. The DfE is strongly supportive of our proposed approach to this issue, particularly on strengthening governance, and is weighing up its response to its own consultation on this type of provision. We are working closely with the DfE to ensure that the OfS's powers in legislation to act in these cases are the right shape for the long term.
37. The board highlighted the need to look beyond subcontractual provision and consider where else this risk could materialise in the sector. Providers' behaviour is already changing in response to the prospect of tighter regulation. The OfS and DfE need to ensure that regulation protects public money across the system, should risks materialise elsewhere.
38. The quality of the courses provided in subcontractual arrangements was discussed. These courses are typically delivered for less money than at traditional providers; this could be a sign of poor quality, but smaller, more nimble providers may operate more efficiently. Partnerships can add value, particularly where they can provide specialisms, and our approach should not stymie ways of providing innovative courses to students. We could be more explicit about the kind of subcontractual courses where there are more likely to be quality concerns and should think about how to make students aware of the signs they should look for.
39. The board endorsed the approach in the paper and offered strong encouragement to press on with this work at pace to intervene where we are aware of risks that are materialising.

Item 10. Chief executive's report

40. The chief executive presented her report. The board was informed that the OfS had been asked to contribute to module 8 of the UK Covid-19 Inquiry, which concerns children and young people. A draft witness statement has now been submitted.
41. The board was asked to agree the statement for the Annual Report and Accounts at the end of the report, to give the NAO assurance on board effectiveness. The board was content to agree the statement.

Item 11. OfS performance, resources and finance report

42. The board received the report and noted the positive funding settlement for this financial year from the department.

43. Exempt from publication.

44. The processing time for DAPs and registration cases was discussed and the board asked if there were options for reducing the time taken. We are currently consulting on some of the barriers to entry for registration, which will support this. We are also looking at ways of completing processes more efficiently, such as deploying AI to review applications. We also plan to explore the criteria and tests for DAPs in future.

45. The board thanked the team for the success in managing the budget outturn.

Item 12. Report from the Provider Risk Committee

46. A report of the February and April committee meetings was noted by the board. The discussions at the most recent meetings had been covered in previous items on this agenda. No other matters were drawn to the attention of the board.

Item 13. Report from the Quality Assessment Committee

47. A report of the November, January and March committee meetings was noted by the board. The focus of the committee has been on degree awarding powers (DAPs) and working through the pipeline of cases. In future it will want to turn its attention to the tests for DAPs and setting the barriers for entry.

Items 14-16. Context papers

48. The board received the political, student and sector context papers.

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49. There was no other business.

50. The board thanked the interim chair for his leadership during his term on the board, and for his work previously on the independent review of the OfS. The chair wished members and the organisation well and reminded them of the importance of the sector we regulate.