

Mr Robert Halfon MP
Chair
Education Select Committee
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Dear Mr Halfon

I am writing further to my appearance alongside our chief executive, Nicola Dandridge, at the committee's evidence session on the 18 May 2020. Both Nicola and I enjoyed the opportunity to appear before the committee. I share your concern about the impact of the pandemic on the quality of teaching and learning for students, particularly for students from disadvantaged backgrounds. In this letter I wish to provide further information on what the Office for Students is doing in this area, alongside other aspects of our work in responding to the coronavirus pandemic.

Our regulatory approach

Before addressing the specific issues where the committee sought further details, it might be helpful to briefly set out our regulatory approach, which reflects the powers given to us by Parliament. I have attached a more detailed explanation of our regulatory role as an annex to this letter.

All universities and colleges (providers) registered with the OfS must comply with our conditions of registration. These are minimum requirements that providers must meet in order to be or stay registered with us, because they demonstrate that the provider is able to offer high-quality higher education to students. We monitor ongoing compliance with our conditions of registration through data returns from providers and students, information provided by providers, and notifications from third parties, particularly from students. We intervene where we identify an increased risk of a breach of one or more condition.

During the coronavirus pandemic, we have adapted the way we have implemented our regulatory approach to assist providers as they work to protect their students during this time, in particular those students who may be most vulnerable to the disruption. We have rapidly refocused how we

have implemented the requirements of our regulatory framework, focusing on essential reporting requirements and activities. However, this is done without diluting our requirements for quality and standards.

As we move from the lockdown, our goal is to minimise any long-term disruption to the English higher education system and provide students with certainty and clarity about the future – reducing permanent damage and helping ensure that the sector and students can get back to normal working as quickly as possible.

Ongoing monitoring of higher education providers during the crisis

Given the importance we attach to access and participation and our mission to promote the interests of students, the quality of teaching and learning during the pandemic remains a top priority for us. We are currently looking at what more we can do in this area, especially what more we might do to strengthen arrangements in time for the new academic year. We set out in the hearing what we are currently doing to monitor quality and provide more detail in this letter.

Our regulatory approach means that we do not have the powers or capacity to undertake routine inspections of teaching at all providers. Indeed, we would not expect this to be an appropriate approach to the regulation of autonomous institutions, many of which hold the legal power to award their own degrees. We are, however, using a wide range of measures to ensure that the quality of teaching, learning and assessment is maintained throughout the pandemic.

First, we are requiring a provider to report to us when they intend or expect to cease teaching some or all of their courses to one or more groups of students. Second, we continue to encourage students, students' unions, and other third parties to notify us of any concerns about the arrangements put in place by an individual provider. Notifications have become more important than ever during this period in monitoring teaching quality and we are actively promoting their use among students and students' unions, as well as through our public enquiries team. We are paying close attention to all notifications submitted to us, particularly regarding disadvantaged or vulnerable students. As I noted in the evidence session, we have not hesitated to contact providers if notifications raise concerns about teaching and assessment and are willing to act quickly and decisively to protect the interests of students.

In addition, we are proactively contacting all providers for information on their response to the crisis. These calls are targeted based on our understanding of a provider's risk profile, and we discuss issues relating to financial sustainability, as well as how teaching and assessment is being delivered.

Furthermore, we are working with students' unions to understand the issues that are of greatest concern to students. This can be through the notifications system, where appropriate, and through publications such as the NUS's recent 'COVID-19 and Students Survey Report', which has been particularly helpful in providing quantitative information on the concerns and intentions of students during the pandemic.

Protecting vulnerable and disadvantaged students

On 3 April 2020 we set out to providers our expectations on quality and standards during the pandemic. The guidance emphasised the importance of providers addressing the needs of the most vulnerable students. These include students with coronavirus symptoms or who need to self-isolate, international students, and students unable or less able to access remote learning for whatever reason, together with care leavers, those estranged from their families, and students with disabilities.

To provide immediate support for vulnerable students, we have required providers to continue to meet the financial commitments to the most disadvantaged students set out in their 2019-20 access and participation plans. We have also allowed them to shift commitments from other activities to bolster the funds they receive through the student premium element of our teaching grant for immediate student hardship. Our guidance has made it clear that providers should particularly ensure that students in the most vulnerable groups are able to access this support where needed, including to secure IT and other equipment needs, and to support their mental health and wellbeing.

At the beginning of this year, we announced the plans that universities and colleges had agreed with us to improve equality of opportunity in relation to access and participation from 2020-21 onwards. The targets within these plans remain in place and we will be engaging with providers during the next three months to ensure that they continue to deliver on them for the longer term. This includes measures to improve access for the most under-represented groups from this year's admissions cycle and to address gaps in continuation, attainment and progression for groups that have been particularly affected by the coronavirus outbreak, such as disabled and BAME students. These requirements on individual universities and colleges are underpinned by measures to ensure that they collaborate where needed to meet the needs of students and partners, such as schools and employers. Through the Uni Connect programme, we are working with consortia across England to provide telephone and online advice and guidance to school-aged pupils in place of face-to-face outreach this year.

Evidence and evaluation is a cornerstone of our work to promote equality of opportunity. We have introduced tougher requirements on evaluation and we are supporting universities and colleges to share their evaluation findings, and thereby adopt methods that have been identified to be effective, through a new 'what works' centre ('TASO') based at King's College London.

Sharing practice across the sector

We have used our position as regulator to promote the sharing of practice across the sector. We have published a series of briefing notes showing the diverse ways in which universities and colleges are solving the problems they and their students are facing. A number of notes have focused on vulnerable students, covering topics such as students without family support and international students, as well as other immediate issues such as student accommodation, and supporting student mental health.

I hope that this letter, along with the evidence to the committee earlier this month, has clearly set out our regulatory approach during this challenging time for the higher education sector. As ever, our approach is focused on students and we are committed to do more than ever to protect their interests. If you may find it of interest, Nicola and I would be delighted to meet with you to discuss these important issues, or any aspect of the OfS's work.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael Barber". The signature is written in a cursive style with a long horizontal stroke at the end.

Sir Michael Barber
Chair

Annex: Our regulatory approach

Our mission is to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers. This means making sure that prospective students have the information they need to find a course that is right for them, and that they can be confident that the provider they choose offers high-quality courses, is financially viable and well run. These requirements are set out in our conditions of registration.

Our approach to regulation is principles-based to reflect the complexity of the higher education sector. Imposing a narrow rules-based approach would risk creating a compliance culture that would stifle diversity and discourage innovation. Our regulatory framework does not, therefore, set rigid numerical performance targets or list detailed requirements. Instead, it describes the approach the OfS will take as it makes individual judgements on the basis of data and contextual evidence. While our regulatory approach has had to adapt to the coronavirus (COVID-19) pandemic, the general approach we take and the requirements in the conditions of registration are still in place.

We monitor ongoing compliance with our conditions of registration through lead indicators, reportable events and notifications from third parties, including students. We intervene where we identify an increased risk of a breach of one or more condition. We take this risk-based approach partly because we are committed to minimising the regulatory burden placed on universities and colleges, but primarily because the Higher Education and Research Act 2017 requires us to take regulatory action in proportion to regulatory risk. Where there is increased risk, we may place the provider under a greater level of scrutiny. Providers that continue to comply with our conditions should see less regulation and reduced burden.

During the coronavirus pandemic, we have adapted the way we have implemented our regulatory approach to assist providers as they work to protect their students during this time, in particular those students who may be most vulnerable to the disruption. We have rapidly refocused how we have implemented the requirements of our regulatory framework, focusing on essential reporting requirements and activities. The aim is to help providers focus on protecting students by giving them space and resources to develop practical ways to maintain teaching quality and standards, enable adequate exams and assessment, and support financial sustainability. However, this is done without diluting our rigorous requirements for quality and standards. Our adjusted approach is supported by new guidance on maintaining teaching quality and degree standards. We will be shortly publishing guidance for providers on how we will approach the regulation of student protection. They will need to ensure that prospective students have accurate, clear, unambiguous and timely information, including any information about changes to the courses for which they have applied.

Details of our revised reporting requirements, regulatory guidance and other useful information is available through our new coronavirus guides for students and higher education providers on the OfS website. These guides provide specific information for providers about supporting vulnerable students, such as students who live with people in high-risk groups, estranged students, and

international students unable to return home, and our expectations around student financial support.

Once we start to move from the lockdown, our goal will be to minimise long-term disruption to the English higher education system and provide students with certainty and clarity about the future – reducing permanent damage and laying the foundations for the sector and students to get back to normal working as quickly as possible.