Office for Students Briefing Paper

This paper was provided to Senate at its May meeting as a briefing on the creation of the Office for Students on 1st April 2018. It outlines the actions that City has and will be taking in response to the first ever regulator for Higher Education. An earlier version of this paper was shared with ExCo and Council in March. City submitted its application to register with the OfS on 30th April 2018 and anticipates an outcome by mid-July.

Following successful registration, institutions will be subject to 24 on-going conditions of registration. The OfS framework details how these will be assessed and the types of behaviour required. Appendix 2 lists the 24 conditions; 5 of these directly relate to quality and standards.

In relation to quality and standards processes, the Quality Assurance Agency (QAA) will be the designated quality body and will undertake specific quality duties on behalf of the OfS. Further information on the QAA remit will be released during 2018 and considered by Educational Quality Committee and Senate.

Educational Quality Committee is asked to

- **Note** the update and the ongoing conditions of registration in relation to quality and standards.
Summary

On 28th February, the Office for Students released its new regulatory framework for higher education in England. The publication followed a consultation period with the sector between October and December last year. This briefing paper provides Senate with an overview of the regulatory framework, actions that will be taken to complete the registration process, the on-going conditions of registration and observations about what this new regime will mean for City.

Background

On 1st April 2018, the Office for Students (OfS) became the new and first ever regulator for higher education in England. The Higher Education Funding Council for England (HEFCE) ceased its work as did the Office for Fair Access. The OfS was set up by the Higher Education and Research Act of 2017 and has four primary regulatory objectives that all students, from all backgrounds, and with the ability and desire to undertake higher education:

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

The regulatory framework is specifically designed to protect the short- medium- and long-term interests of students, rather than those of higher education institutions, or in the language of OfS ‘providers’. This is the most significant shift from the previous (HEFCE) to the new (OfS) regime and will result in, and feel like, a very different regulatory environment for the HE sector.

More information about the role and priorities of the Office for Students can be found at www.officeforstudents.org.uk

Student & Academic Services has been asked to be the key contact for the University’s relationship with OfS and has also coordinated the application process (see below).

From consultation to final framework

During Autumn 2017, the sector was consulted about the nature and remit of the OfS regulatory framework.

While the majority of principles from consultation to published framework remained the same, input from the sector resulted in a slightly more rounded and more practical framework. The main changes were a clearer focus on student engagement and partnership as opposed to a purely consumerist approach, the student experience being recognised as broader than just engagement in an academic programme, and greater clarity about what the OfS will expect from providers in
student contracts and student protection plans. These developments are helpful, in that they show context and requirements; they also reveal the full force of the new regulatory regime.

The complex area of ‘value for money’ was a contentious issue during the consultation process and the final framework has not provided greater clarity. The recent Government announcement of the year-long review of undergraduate student funding will no doubt result in greater debate on this topic, particularly on differentiation of student contact hours across the various disciplines and how this should be best articulated as a sector price. In April 2018, the OfS published ‘Value for Money: A Student Perspective which is a piece of research based on input from 6000 students on what they perceive as the key experiences that lead to value for money. Building upon this, in partnership with the Students’ Union, the university will progress its own research with City students during 2018-19.

Registering with the Office for Students

Every institution that wishes to be recognised as providing higher education in England, access public grant funding from the OfS or UK Research and Innovation (UKRI) through Research England, access the student support funding system and maintain a Tier 4 sponsorship license to recruit international students needs to register with the OfS. City submitted its application on 30th April and anticipates receiving a decision by mid-July. At the launch of the OfS regulatory framework the Chair of the OfS (Sir Michael Barber) indicated that registration was a both a data collection exercise and a low hurdle that universities with an established record would clear ‘this step is about compliance rather than greatness’.

The application to register required basic details about the university (e.g., name, key individuals – President, Chair of Council – date of university title, where we validate degrees at other institutions, sub-contractual arrangements and legal status) as well as the following 4 documents:

1. An access and participation plan (replacing and adapting the previous Access Agreement) to be able to charge fees up to £9,250 and demonstrate our commitment to access and student success.


3. A student protection plan (a copy of which will come to Senate in July).

4. A self-assessment of management and governance conditions

Appendix 1 provides a summary of the type of information that was required to fulfill these submission requirements. Our application was signed-off by ExCo on 30th April. In addition, as part of our application to register, the OfS will use existing information previously submitted to HEFCE to make an assessment of our (i) quality and standards and (ii) financial viability and sustainability.

On-going conditions or registration

Following successful registration, institutions will be subject to 24 on-going conditions of registration. The OfS framework provides 55 pages of information on how each of
these will be assessed and types of behaviour required. Appendix 2 lists the 24 conditions; some of these are activities we already undertake whilst others are new.

**OfS regulatory function and monitoring at institutional level**

All institutions will be subject to general monitoring. This will rely on ‘lead indicators’ (i.e., from data that are as near to real time as possible), ‘reportable events’ (i.e., material institutional decisions or change that we report) and ‘other intelligence’ (i.e., whistleblowing or complaints). Lead indicators are still to be confirmed but will focus on outcomes for students from different backgrounds. Examples could include:

- Overall student numbers and patterns (managed growth or contraction).
- Applications, offers and acceptances for students with different characteristics
- Changes in entry requirements and qualification profile of students on entry
- Continuation and completion rates
- TEF performance
- Degree outcomes, differential outcomes for students with different characteristics, unexpected changes in 1st and 2.1 awards.
- Number and pattern of complaints to Office of the Independent Adjudicator
- Graduate employment, progression to graduate (i.e., professional) jobs and postgraduate study
- Financial viability and sustainability

During 2018, the OfS will develop its data strategy to show how it intends to fulfill its responsibilities, the data requirements that will be placed on institutions and how OfS will work with the Higher Education Statistics Agency (HESA), the body that will undertake specific data duties on its behalf. That data strategy will need to be sufficient to support OfS to:

- Establish and monitor a set of lead indicators to understand performance and regulate in a proportionate and risk-based way.
- Target, evaluate and improve access and participation, and equality and diversity activities.
- Monitor the sector as a whole to understand trends and emerging risks at sector level and to work with the sector to address them.
- Ensure students have access to reliable and appropriate information to inform decisions about where to study for a higher education qualification and which provider is most likely to meet their needs and aspirations.
- Work with employers and regional and national industry representatives to ensure that student choices are aligned with current and future needs for high level skills.
- Operate the TEF (statutory review taking place during 2018).
- Support institutions in meeting their transparency conditions.
- Support the DfE and other bodies such as the UKRI.

In relation to quality and standards processes, the Quality Assurance Agency (QAA) will be the designated quality body. As is the case with HESA, QAA will undertake specific quality duties on behalf of the OfS. Further information on the QAA remit will be released during 2018 and considered by Educational Quality Committee and Senate.

In addition to general monitoring, OfS will also undertake random sampling of institutions to provide additional information about risk. Five percent of institutions will
be monitored annually. Once sampled, there is an exemption from detailed monitoring for three years but general monitoring will continue.

If it is identified that an institution is at risk or in breach of an OfS registration condition, action would be taken. Depending on its nature, this could range from a dialogue backed up by appropriate action planning through to power of entry and search. Where it was determined that a risk was on-going, OfS could impose conditions of on-going registration. For example, if poor employability rates were identified, a condition could be that this needed to be addressed before an institution could increase the number of students it recruits.

Cost

The cost of registering with the Office for Students for City will be £125,700 (10,001 to 20,000 students). This will be an additional annual cost to the university as we do not pay a subscription to HEFCE. The costs are based on student numbers, starting at £10,400 for a provider with up to 25 students and increasing to £158,200 for institutions with over 20,000 students.

Wider features of the OfS framework

While this briefing paper focuses primarily on the implications of the OfS for City, the OfS regulatory framework covers wider aspects including how new providers can register, matters relating to validation of courses at other institutions (including potential power of the OfS to validate despite also being the regulator) and criteria for the award of university title. These are points for Council to be aware of in relation to competition, noting that OfS is very keen to promote greater choice, innovation and diversity for prospective students.

What we should anticipate from the new regulatory regime

The regulatory framework includes activities that we undertake routinely as well as some new requirements. What is undoubtedly clear from reading the framework and guidance is a focus on student outcomes – from admission to employment – and how this may vary for students with different characteristics, and how it can be demonstrated that every student is fully supported to achieve completion. City has a strategic commitment to these intentions but the new regulatory regime and associated need for transparency and value for money will require us to assess in more detail how we fully achieve this. It is a very different environment that will mean consideration of processes, behaviours and support needs for academic and professional staff involved in the delivery of support of the student experience.

The framework notes that once the regulatory framework is established, its implementation will reduce bureaucracy and unnecessary burden for individual institutions. However, it also states that in the short-term implementation could increase the burden on institutions. City will need to consider this as part of its resourcing, planning and prioritisation activity.

The framework also highlights some additional areas of development that OfS will pursue. Firstly, there is a plan to revisit information provided to students. OfS will work collaboratively with students to ensure that content and style of information provided helps to make the choice that is right for them. It also plans to work with employers and industry representatives to ensure student choice is informed by the skills needs of industry and the country. In setting out these intentions, the framework
makes no reference to engaging with institutions or the sector directly about these matters; again this emphasizes the shift to the student not the provider.

Secondly, there is an intention for work to progress on course transfers between institutions; we will be required to make a public statement about our arrangements for student transfer to create greater transparency. Our response to the consultation, as was the case with many other institutions, is that in the absence of a national curriculum transfer is not always straight-forward or in the students best interest. However, OfS is intent on pursuing clearer processes and we will need to undertake work to address this requirement.

Lastly, there is an intention to facilitate and encourage accelerated degrees that would provide students with an opportunity to study for a degree across a shorter period of time by increasing the intensity of study during the academic year. Maintenance costs and undergraduate fees (although not loan repayments) for a student taking this option will usually be less than if the same course was studied over a longer period and it has been suggested that this may therefore be attractive to the market.

The transition from an institutional to a student emphasis has been accepted by the sector, was integral to City’s Strategic Plan 2012-16 and is explicit in City’s Vision & Strategy 2026. Our current plans provide us with a sound base on which to continue the necessary ongoing cultural and organisational change and respond to the requirements of the country’s first ‘independent higher education regulator’. As the OfS launch event emphasised, the immediate challenge for OfS is not that of ensuring independence from the sector but that of ensuring independence from the media-informed concerns of government.

Susannah Marsden
Director, Student & Academic Services
April 2018
Appendix 1
Additional guidance on conditions of registration

1. Access and Participation Plan

We will review the specific guidance to assess differences required in this document to the previous requirements of the Access Agreement and action accordingly.

2. Self-assessment of compliance with Consumer Protection Law (reflecting on current T&Cs framework)

Summary of the type of evidence that should be referred to in self-assessment:

- Information on organisational and staffing arrangements for managing consumer law issues
- Working groups or committees that oversee the activity
- How staff are trained on consumer law obligations
- Reviews that have been undertaken of our arrangements
- Evidence of legal advice that has been sought
- Use of model contracts
- Policies that contain information for staff and students (with examples)
- Policies relating to consumer law obligations.
- How students are provided with accurate information about courses, fees and other information to students

3. Student Protection Plan (new)

- Assessment of the range of risks to the continuation of study for our students, how these risks may differ based on our students’ needs, characteristics and circumstances and the likelihood that this risks will crystallise.
- Measures put in place to mitigate those risks that we consider to be reasonably likely to crystallise.
- Information about the policy we have in place to refund undergraduate fees and other relevant costs to students and to provide compensation where necessary in the event that we are no longer able to preserve continuation of study (including cash reserves available).
- Information about how we will communicate our student protection plan to students.
- How we will share it with staff.
- How it will be reflected in relevant policies
- How the document will be developed in partnership with students, a schedule for review and updates.
- Availability of independent advice to students

4. Self-Assessment of Management and Governance
• Summary of management and governance arrangements.
• Self-assessment of their effectiveness, including compliance with relevant codes.
• How compliance with public interest governance principles is demonstrated. This includes academic freedom, accountability, student engagement, academic governance, risk management, regularity, propriety and value for money, freedom of speech, governing body role and membership, confirmation of degree-awarding powers.
## Appendix 2
### On-going conditions of registration

Below are the 24 on-going conditions of registration. Notes are provided to clarify the requirement.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Notes</th>
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<tbody>
<tr>
<td>1 Access and participation plan</td>
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<tr>
<td>2 Access and participation statement</td>
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<tr>
<td>3 Quality and standards</td>
<td>Delivery of well-designed courses that provide a high quality academic experience for all students and enable a student’s achievement to be reliably assessed.</td>
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<td>4 Quality and standards</td>
<td>All students, from admission through to completion, must be provided with the support they need to succeed in, and benefit from, higher education.</td>
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<td>5 Quality and standards</td>
<td>Delivery of successful outcomes for all students which are recognised and valued by employers and/or enable further study.</td>
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<td>6 Quality and standards</td>
<td>Ensure that qualifications awarded to students hold their value at the point of qualification and over time, in line with sector recognised standards</td>
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<td>7 Quality and standards</td>
<td>Delivery of courses that meet the academic standards prescribed in the Framework for Higher Education Qualifications at Level 4 or higher.</td>
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<td>8 Teaching Excellence and student outcomes framework participation</td>
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<td>9 Consumer protection law</td>
<td>See Appendix 1</td>
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<td>10 Student complaints scheme</td>
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<td>11 Student protection plan</td>
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<td>12 Financial viability and sustainability</td>
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<td>13 Public interest governance</td>
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<tr>
<td>14 Management and governance</td>
<td>Includes the requirement to publish information on remuneration of senior staff and how decisions are made transparent.</td>
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<td>15 Accountability</td>
<td>In relation to the remuneration of senior staff remuneration: OfS will require disclosure that includes but is not limited to (i) number of staff with a basic remuneration of over £100,000 per annum broken down into bands of £5,000; full details of the total remuneration and job title for each member of staff with a basic salary of over £150,000 per annum, including bonuses, pension contributions and other taxable benefits; justification for the total remuneration of the head of the institution and the</td>
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<td>Condition</td>
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<td>16</td>
<td>Notification of changes to the Register</td>
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<td>Facilitation of electoral registration</td>
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<td>Transparency information</td>
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<td>Provision of information to the OfS</td>
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<td>Provision of information to the designated data body</td>
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<td>22</td>
<td>Mandatory fee limit</td>
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<td>23</td>
<td>Compliance with terms and conditions of financial support</td>
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<td>24</td>
<td>Payment of OfS and designated body fees</td>
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