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19 December 2019

Dear Sir/Madam

## Access and participation: Future monitoring requirements

I am writing to let you know about the OfS's high-level requirements for future monitoring and intervention of 2019-20 and 2020-21 access and participation plans and investment.

### Monitoring requirements for 2019-20 onward

OfS Regulatory notice 1 sets out how from 2020-21 you will be expected to publish and submit an annual impact report to the OfS detailing progress against targets and commitments made in your access and participation plan.<sup>1</sup> You will also be expected to provide assurances on your investment in access and participation through your financial returns.

The OfS continually monitors providers' compliance with their ongoing conditions of registration. Regulatory advice 15 sets out our guidance on monitoring and intervention. This includes guidance relating to lead student and financial data indicators, reportable events, notifications, random sampling, sanctions and maintaining registered status.<sup>2</sup>

### Further information

Annex A of this letter provides more information on these future requirements, which expands on the information contained in Regulatory notice 1 about the OfS's approach to monitoring and intervention. Please read it alongside notice 1 and the regulatory framework<sup>3</sup> in order to understand your full monitoring and reporting requirements.

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<sup>1</sup> See [www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance](http://www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance).

<sup>2</sup> See [www.officeforstudents.org.uk/advice-and-guidance/regulation/conditions-of-registration/monitoring-of-registered-providers/](http://www.officeforstudents.org.uk/advice-and-guidance/regulation/conditions-of-registration/monitoring-of-registered-providers/).

<sup>3</sup> See [www.officeforstudents.org.uk/advice-and-guidance/regulation/the-regulatory-framework-for-higher-education-in-england/](http://www.officeforstudents.org.uk/advice-and-guidance/regulation/the-regulatory-framework-for-higher-education-in-england/)

The OfS also publishes regulatory advice to help providers understand and meet our requirements. Regulatory advice 9, 15 and 16 are of particular relevance to condition A1 (access and participation) of the regulatory framework.

All of the documents are on the OfS website.<sup>4</sup>

### **Keeping in touch with the OfS**

We will publish future updates, advice and notices on our website. If you haven't already done so, please sign up for our regular email alerts, which include a weekly roundup of events, deadlines, publications and news stories, and a monthly update of key publications and announcements.<sup>5</sup>

If you have questions about Regulatory advice 9, 15 or 16 please contact [regulation@officeforstudents.org.uk](mailto:regulation@officeforstudents.org.uk).

If you have further questions about access and participation monitoring, please contact [APP@officeforstudents.org.uk](mailto:APP@officeforstudents.org.uk).

Yours sincerely

**Chris Millward, Director for Fair Access and Participation**

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<sup>4</sup> See [www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/access-and-participation-plans/](http://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/access-and-participation-plans/).

<sup>5</sup> See [www.officeforstudents.org.uk/sign-up-for-email-alerts/](http://www.officeforstudents.org.uk/sign-up-for-email-alerts/).

## Annex A: Future monitoring requirements – further information

This annex provides further detail on the OfS's future monitoring requirements for access and participation plans. It expands on the information contained in Regulatory notice 1 about the OfS's approach to access and participation monitoring and intervention.<sup>6</sup> Please read it alongside this regulatory notice and our regulatory framework.

We also publish regulatory advice to help providers understand and meet our requirements. The following regulatory advice is of particular note:

- **Regulatory advice 9: Accounts direction** – guidance on preparing and publishing financial statements<sup>7</sup>
- **Regulatory advice 15: Monitoring and intervention**<sup>8</sup>
- **Regulatory advice 16: Reportable events**.<sup>9</sup>

All of these documents are published on the OfS website. In order to keep up to date with our publications, we would encourage you to sign up for our regular email alerts.<sup>10</sup>

### Access and participation plan monitoring: Regulatory notice 1

Regulatory notice 1 (Access and participation plan guidance), published on 28 February 2019, sets out our guidance for providers on access and participation plans.<sup>11</sup>

From 2020, impact reports will be required each year from all providers that had an approved access and participation plan in the previous academic year. These reports will have a dual purpose. They will be an important mechanism for students and the public to hold the governing body of a provider to account. The OfS will also use impact reports alongside the access and participation dataset to assess whether providers are complying with the provisions in their plan and taking all reasonable steps to meet their targets and other commitments.

We will use the monitoring cycle for 2019-20 access and participation plans as an opportunity to trial the new impact reporting process and templates with all providers. This will enable a settled

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<sup>6</sup> See [www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance](http://www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance).

<sup>7</sup> See [www.officeforstudents.org.uk/publications/regulatory-advice-9-accounts-direction-accounting-periods-beginning-on-or-after-1-august-2019/](http://www.officeforstudents.org.uk/publications/regulatory-advice-9-accounts-direction-accounting-periods-beginning-on-or-after-1-august-2019/).

<sup>8</sup> See [www.officeforstudents.org.uk/publications/regulatory-advice-15-monitoring-and-intervention/](http://www.officeforstudents.org.uk/publications/regulatory-advice-15-monitoring-and-intervention/).

<sup>9</sup> See [www.officeforstudents.org.uk/publications/regulatory-advice-16-reportable-events/](http://www.officeforstudents.org.uk/publications/regulatory-advice-16-reportable-events/).

<sup>10</sup> See [www.officeforstudents.org.uk/sign-up-for-email-alerts/](http://www.officeforstudents.org.uk/sign-up-for-email-alerts/).

<sup>11</sup> See [www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/](http://www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/).

approach to be finalised for the monitoring of the new longer-cycle access and participation plans, which have been approved for implementation from 2020-21.

We are also exploring how to enable independent and constructive student engagement within the annual monitoring process, and how best to make use of student evidence as part of our risk assessment of condition of registration A1 (access and participation plan).

Over the next 12 months we will be working closely with students, providers and other stakeholders on the design, quality assurance and user testing of these reports. We know that providers will want to plan ahead for this, so we will ensure reasonable notice of our submission requirements, taking into account the time needed for the governing body and senior management approval of the required information before submission. We plan to update the access and participation dataset from spring 2020, both to enhance the content and to make it more user friendly. We aim to publish guidance on our monitoring requirements for the 2019-20 access and participation plans in autumn 2020.

Some providers are subject to specific requirements, enhanced monitoring, or one or more specific ongoing conditions of registration in order to mitigate the risk of a future breach of condition A1. In these cases, any initial or additional requirements for individual providers are set out in their letter on 'General ongoing condition A1: Access and participation plan' which confirmed the director's decision to approve their 2020-21 access and participation plan. Where there are clear dates identified for this reporting, we will work to ensure that it is as joined up as possible with the timing and approach to impact reports.

### **Monitoring of investment in access and participation: condition E3**

Condition E3 requires a provider to comply with the OfS's accounts direction. Paragraph 35 of Regulatory advice 9 sets out that where a provider has an approved access and participation plan, the provider must include a note in its audited financial statements that sets out its expenditure on each of the following in relation to access and participation activities:

- **Access investment.** This includes expenditure in the financial year on activities and measures that support the ambitions set out in an access and participation plan, where they relate to access to higher education.
- **Financial support** provided to underrepresented or disadvantaged students in the financial year (such as bursaries, scholarships, etc.).
- **Support for disabled students** in the financial year, which can include, but is not limited to, the disabled students' premium. This excludes expenditure in the two categories above.
- **Research and evaluation** related to access and participation activities in the financial year.

The disclosure must include a link to the provider's published access and participation plan(s) to facilitate comparison of the disclosed amounts to the commitments the provider made in its approved plan(s). The disclosures about access and participation must be covered by the external auditor's opinion. We will use this information as part of our assessment to determine whether a

provider has taken all reasonable steps to comply with the provisions of its access and participation plan.

Although providers will no longer need to report spend on success and progression to the OfS, we expect all providers to monitor and evaluate their spend across the lifecycle so that:

- they understand the additional costs of supporting underrepresented groups across the lifecycle and, as part of their evaluation of activity, they can assess the cost-effectiveness of their approach
- they are able to respond to any specific condition or enhanced monitoring requirements that may require reports on spend in these areas
- they are able to report as a matter of course in future if requirements need to change.

### **Other monitoring activities: OfS conditions relating to breaches**

There are some conditions where our concerns about an increased risk of a future breach, or an actual breach, will be identified through the monitoring of other OfS conditions. The OfS will adopt such an approach to deliver its objectives in relation to access and participation. For example, when considering the risk that a provider may breach condition A1 because it has not complied with the provisions of its approved access and participation plan, the OfS may consider information it holds about the provider's management and governance and fee arrangements more generally.

Consideration of information held in relation to a provider's access and participation plan may also inform the OfS's assessment of other conditions. For example, a provider's access and participation commitments may be considered when assessing the risk of a future breach of conditions B1 and B2 (quality, standards and outcomes). Additionally, if we receive notification that providers have not met their commitments on financial support for students, this may inform an assessment of conditions on consumer protection.