

Annex A: Advice on requests to vary access and participation plans to cover academic year 2023-24

Introduction

1. This advice sets out guidance for higher education providers in England on the preparation and submission of a request to vary an access and participation plan for consideration by the Director for Fair Access and Participation.
2. The advice is issued by the Director for Fair Access and Participation, on behalf of the Office for Students (OfS), and relates to sections 29 and 33 of the Higher Education and Research Act 2017 (HERA) and regulation 4 of the Higher Education (Access and Participation Plans) (England) Regulations 2018.

Background

3. On 23 November 2021, the Department of Education issued new guidance to the OfS in respect of access and participation.¹
4. On 8 February 2022, the new Director for Fair Access and Participation (DFAP) set out his priorities for access and participation for the next four years and outlined how the OfS would work with higher education providers, students and other stakeholders to deliver them.²
5. Building on the previous reforms to access and participation, we are seeking to refocus providers' access and participation plans so that they clearly set out how providers will address the following priorities:
 - **Priority A:** Make access and participation plans more accessible in a way that prospective and current students, their parents and other stakeholders can easily understand.
 - **Priority B:** Develop, enhance and expand their partnerships with schools and other local and national organisations, to help raise the pre-16 attainment of young people from underrepresented groups across England.

¹ See the [Letter from the Department for Education announcing the appointment of the new director for access and participation \(officeforstudents.org.uk\)](https://www.officeforstudents.org.uk/news-blog-and-events/events/next-steps-in-access-and-participation/).

² See 'Next steps in access and participation', available at: www.officeforstudents.org.uk/news-blog-and-events/events/next-steps-in-access-and-participation/.

- **Priority C:** Set out how access to higher education for students from underrepresented groups leads to successful participation on high quality courses and good graduate outcomes.
 - **Priority D:** Seek to develop more diverse pathways into and through higher education through expansion of flexible Level 4 and 5 courses and degree apprenticeships.
6. The OfS recognises that the content of access and participation plans will vary between providers. Each plan is informed by the circumstances of the individual provider and the characteristics, needs and views of its potential and current students. Therefore, the extent to which individual providers will address the priorities in paragraph 5 above in their request to vary their plans will be dependent on their context and the existing content of their plans. However, we do expect all providers to address priority A (make access and participation plans more accessible) by producing a summary of their plans, which they will publish once it has been approved by the DFAP as part of the variation request. Further detail on this is provided in paragraph 20.
7. Underpinning these priorities is an expectation that providers will significantly increase the volume and quality of evaluation across their access and participation activity. It is vital that the sector generates and publishes rigorous and objective evidence of what works and what does not work in raising school attainment, improving access to and student success in higher education, and securing good graduate outcomes. As providers further develop their evaluation strategies they should consider how they intend recording, publishing and sharing their evaluation activity and findings, working with the Centre for Transforming Access and Student Outcomes (TASO) and others, to maximise understanding of what works (and what does not) across the sector.³

Phased approach to delivery of access and participation reforms

8. We are taking a three-phased approach to the delivery of the changes needed to access and participation plans to deliver the priorities set out in paragraph 5. This letter and its annexes relate to phase two, but we set out all three phases below for completeness.

Phase one: monitoring of access and participation plans for the academic year 2020-21

9. It is important that providers continue to deliver the provisions of their approved access and participation plans, and the OfS will continue to monitor providers' progress in meeting their aims, objectives and targets.
10. In 2022, the OfS will conduct monitoring of access and participation plans for the academic year 2020-21. However, recognising the additional work providers will undertake to develop their request to vary their plans, we will not expect providers to complete a monitoring return for submission to us this year. Instead, we will monitor providers' progress using the data in the access and participation data dashboard and other information we hold.

³ For more information, see the TASO website: <https://taso.org.uk/>.

11. We wrote to all providers with an access and participation plan covering 2020-21 on 15 March 2022 with details of the monitoring process.⁴

Phase two: variations and sector engagement

12. In this phase, which will take place over the course of the 2022 calendar year, we are inviting higher education providers to request variations to their existing access and participation plans to take effect in the 2023-24 academic year. This letter and its annexes set out our expectations of providers and the process for submitting a request to vary to the OfS.

13. During spring and summer 2022, the OfS will work with providers, schools, students, third sector organisations and other bodies to develop our proposed approach to full implementation of the access and participation reforms from 2023 onwards, including renegotiation of all providers' access and participation plans to cover the period 2024-25 to 2027-28.

Phase three: consultation and new access and participation plans for 2024-25 to 2027-28

14. During autumn 2022, we will develop and consult on our proposals for the delivery of the full suite of reforms to access and participation, including the re-focusing of access and participation plans. In February 2023, we will publish a revised Regulatory notice 1 setting out our expectations for new access and participation plans from all providers to cover the four-year period 2024-25 to 2027-28. Providers will be expected to submit their new access and participation plans to the OfS for approval by the DFAP in summer 2023.

Variations to current access and participation plans effective from 2023-24

15. Under regulation 4 of the Higher Education (Access and Participation Plans) (England) Regulations 2018, 'the governing body of an institution may, at any time after a plan relating to it has been approved, apply to the OfS for approval of a variation of that plan'.⁵

16. Requests to vary access and participation plans are assessed and considered for approval by the DFAP in the same way as new access and participation plans.

17. It is our expectation that all providers with an existing access and participation plan, that is intended to cover the academic year 2023-24, will submit a request to vary their plans to address the new priorities for access and participation outlined in paragraph 5 above. If providers intend to request additional variations to their plans, they can include them in this submission.

18. It is important to note that we expect providers to continue to deliver and make progress against the existing commitments already in their approved plans. Therefore, we expect commitments and activity included in the variations to normally be in addition to existing commitments and activity in the approved plans. This means that we would not normally expect providers to include changes to their existing targets and milestones in their variation request. If a provider does request to vary its existing targets or milestones, it will need to provide a clear

⁴ See: www.officeforstudents.org.uk/publications/letter-on-monitoring-of-access-and-participation-plans-for-2020-21/.

⁵ See: <https://www.legislation.gov.uk/uksi/2018/470/regulation/4/made>.

explanation of why the change is necessary by emailing this to app.process@officeforstudents.org.uk alongside their variation submission.

19. Providers' requests to vary their plans will be considered against the legislative requirements set out in HERA and the Higher Education (Access and Participation Plans) (England) Regulations 2018 and the expectations set out in Regulatory notice 1: Guidance on access and participation plans.⁶

Priority A: Accessible access and participation plans

20. Access and participation plans are regulatory documents which the OfS uses to hold providers to account for their progress in improving equality of opportunity. They must be sufficiently detailed, evidence based and robust to allow for effective, risk-based regulation. However, this means that for many people, it can be difficult to readily understand what the key challenges are that the provider intends to address, how it intends addressing them and how it will measure its success.
21. Therefore, we expect all providers with an access and participation plan to produce a summary of the plan which they will publish – written in a way students and parents can readily understand. To help providers, we have developed a template for the summary which we encourage providers to use. The plan summary will concisely set out the following:
- i. What an access and participation plan is and a link to the provider's full access and participation plan.
 - ii. Key points – summarising contextual information, key challenges and the main areas of focus in the access and participation plan.
 - iii. Fees charged – setting out maximum fees for full-time and part-time students and including a link where readers can find further fee information.
 - iv. Financial help available – setting out any financial support available to students and the eligibility criteria.
 - v. Information for students – describing how information on fees and financial support is made available to students.
 - vi. The aims – setting out the main focus of access and participation work, aims and measurable objectives in the access and participation plan.
 - vii. Action being taken to achieve aims – summarising the key strategic measures being taken to achieve strategic aims, objectives and targets set out in the access and participation plan.

⁶ See: www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/.

- viii. Student participation – setting out how students have and will be involved in the planning, monitoring, evaluation and delivery of access and participation work.
 - ix. Evaluation – setting out how the work is evidence-informed and how activities will be evaluated for impact on aims and objectives.
 - x. Contact details for readers who want to make contact for further information.
22. When completing the plan summary, alongside information on their existing plan, providers should include the relevant information from their variation request. Should any aspects of the variation request not be approved by the DFAP, providers will be asked to amend their plan summary.
23. Providers must ensure that only information contained in their approved access and participation plan and variation request is included in the summary. Providers should note that the summary does not change or replace the status of their full access and participation plan. Providers are required to take all reasonable steps to deliver the provisions of their plan and it is this that would form the basis of any future regulatory action the OfS may take.
24. An example of the plan summary template is provided at Annex B, together with a completed fictional example. A link to the plan summary template that providers can access and complete will be provided on the OfS portal and on our website.⁷

Priority B: Partnerships with schools to raise attainment

25. We acknowledge that the capacity within individual higher education providers to engage with schools to help raise attainment of young people will differ across the sector. Providers therefore need to carefully consider how best they can contribute to the delivery of this priority, taking into account their size, locality and expertise.
26. However, the OfS expects all higher education providers with significant numbers of higher education students to submit a variation request which clearly sets out how they will develop, enhance and expand their strategic relationships with schools to create and deliver attainment raising programmes and activity with those schools. This means that we would normally expect those providers with more than 2,000 full-time equivalent (FTE) higher education student numbers to include such activity in their request to vary their access and participation plan. Any provider with 2,000 or more FTE higher education student numbers that does not intend including information in respect of partnerships with schools to raise attainment in their variation request should explain this decision.
27. Those providers with fewer than 2,000 FTE higher education student numbers should also carefully consider the contribution they are able to make to raising attainment in schools and should particularly consider how they might work in collaboration with other higher education providers, Uni Connect partnerships, third sector organisations and other bodies.

⁷ See www.officeforstudents.org.uk/publications/advice-on-requests-to-vary-access-and-participation-plans-2023-24/.

28. The nature of the engagement providers have with schools will likely be diverse and the OfS does not intend prescribing what higher education/school relationships should look like or what type of activity should be delivered. However, providers will be expected to set out how the activity they describe will contribute to raising attainment in schools. Some providers' plans already include information on how they work with schools, particularly in the delivery of outreach. These providers might therefore consider how their existing relationships would be developed and enhanced to more explicitly deliver raising attainment activity as well as how they might expand the number of schools they partner with. Other providers may be engaging with schools but have not included this activity in their plans because their main equality of opportunity challenges are in the student success and progression stages of the lifecycle rather than in access. These providers should therefore consider submitting a variation that details the work they are currently undertaking and, again, how they may enhance and expand what they do to further deliver against this priority.
29. All providers should consider how they can work collaboratively, including through the Uni Connect partnerships. Contributing to raising attainment in schools is necessarily a long-term and strategic endeavour which will benefit the higher education sector in future years. Ultimately, such activity will ensure that young people are qualified and equipped to make the post-16 and -18 choices that are right for them, with many choosing to go to university or college. These young people will be better prepared for the demands of higher education, reducing the likelihood that they will withdraw early and increasing the likelihood of securing successful outcomes. There are many benefits to collaborative approaches, including:
- Shared goals and expectations across the collaborative partners
 - Consistency in the delivery of programmes and activity
 - A joined-up approach with a single point of contact reducing burden on schools
 - Economies of scale in terms of resourcing
 - Robust evaluation of collaborative activity from which all partners can benefit.
30. Through the Uni Connect partnership infrastructure we aim to support collaborative approaches to school engagement and attainment raising activity. During 2022-23, Uni Connect partnerships will be developing a coordinated local Uni Connect attainment-raising offer for key stage 3 and 4 pupils in secondary schools for delivery in 2023-24. Providers should consider how they can contribute to the development and delivery of these local offers and how this might be reflected in their varied access and participation plans.
31. The information on school engagement that providers return in their requests to vary will also help inform our strategic approach to school attainment raising which we would expect to see reflected in the new 2024-25 to 2027-28 plans we will require from providers.

Priority C: Access to higher education leads to successful participation

32. The OfS will ensure that its regulation of access and participation and quality and standards is mutually reinforcing. Our future approach to access and participation plans will complement our approach to regulating student outcomes, the Teaching Excellence Framework and constructing student outcome and experience indicators (currently subject to consultation). We will set out how this interplay between access and participation and quality should be reflected in access and participation plans from 2024-25.
33. However, providers are encouraged, as part of the variation request they submit, to set out how they ensure that their students from underrepresented groups are supported to successfully participate on their courses and achieve good quality outcomes.

Priority D: Develop more flexible and diverse provision

34. While it is accepted that many young people will access higher education to study traditional three-year, full-time degree programmes, this model of higher education will not always meet the needs of all prospective students or employers.
35. Over recent years, we have seen the development of highly successful degree apprenticeship programmes. Combining employment with degree study has provided degree apprentices with an alternative to traditional higher education study which allows them to develop their work-based skills, knowledge and expertise alongside the academic, specialist knowledge needed to work in their chosen industries.
36. The DfE has provided additional funding to the OfS to support the development and delivery of more degree apprenticeship programmes from 2022-23.⁸ Therefore, providers should consider how the development and delivery of such programmes will support equality of opportunity and their access and participation objectives and targets.
37. Alongside the further development of degree apprenticeships, providers are encouraged to consider how they can develop technical routes at Levels 4 and 5 which can be offered flexibly to students. Such provision should be stand alone, offering high quality qualifications at those levels. But they may also offer routes through to Level 6/full degree programmes if students wish to progress to that level.
38. As with school engagement activity, how providers seek to develop their higher education courses will depend on their size, context and mission. It is also the case that the development of more flexible and diverse provision is not something that should be directed at predominantly underrepresented student groups. Rather, providers should consider how the development of such provision could contribute to their access and participation aims while benefitting students from all backgrounds.

⁸ See www.officeforstudents.org.uk/news-blog-and-events/press-and-media/ofs-receives-guidance-on-strategic-priorities-grant/.

Annual fee information

39. Providers are reminded that all those with an access and participation plan must return information on the fees it intends to charge to students on an annual basis. The OfS will publish guidance in respect of the annual fee information for the academic year 2023-24 in autumn 2022. Providers should use the annual fee information process to record any changes to the fees they intend to charge in 2023-24 rather than the variations process.
40. However, if a provider is considering making significant changes to its tuition fee levels in 2023-24 that may affect the delivery of the provisions in its access and participation plan, details of this should be included in the variation request.