

9 February 2023

Dear Accountable Officer

New approach to regulating equality of opportunity: update

Many thanks to all of you who responded to our consultation on a new approach to regulating equality of opportunity.¹ We are currently working our way through your responses and we expect to publish our full response in March. I will let you know the date for publication as soon as possible.

In the meantime, I'm writing to provide you with an update on our work in this area and, in particular, to tell you about changes we expect to make to the timing for the submission of new access and participation plans. Some responses to our consultation identified challenges in the timescales we had proposed for preparing new access and participation plans. In response, and without pre-empting the outcomes of the consultation, we have been reviewing this and other aspects of the process.

Access and participation plans for 2024-25 onwards

Our current intention is to ask a first cohort of 30 to 50 providers to submit new access and participation plans this summer – these plans would take effect for the 2024-25 academic year onwards. Most remaining providers would then need to submit new access and participation plans in spring or summer 2024 – these plans would take effect for the 2025-26 academic year onwards.

We have been engaging with sector representative groups to discuss this approach. We will provide more information in March, but if you would like to express an early interest in having your plan considered this year, please email the team at app@officeforstudents.org.uk

¹ See www.officeforstudents.org.uk/publications/consultation-on-a-new-approach-to-regulating-equality-of-opportunity-in-english-higher-education/.

Access and participation plans ending in 2023-24

We are aware that a small number of providers have an existing access and participation plan that will end in 2023-24. These providers would normally be expected to prepare a new plan this year to take effect from the 2024-25 academic year.

I am currently reviewing the approach to these cases and will contact providers soon to confirm our approach.

Annex A to this letter provides more information about the proposed phased cohort approach described above, and updates on:

- the OfS's access and participation dashboard
- our approach to monitoring access and participation plans for 2021-22
- variations to access and participation plans for 2023-24
- fee summaries for 2023-24
- the status of access and participation plans for 2023-24 not already confirmed through other processes.

Yours sincerely



John Blake
Director for Fair Access and Participation

Annex A: Further information

Publication of consultation response and associated documents

In March we expect to publish:

- the analysis of responses to our consultation and our response
- the Equality of Opportunity Risk Register (EORR)
- updated regulatory notice 1 (Access and participation plan guidance)
- updated regulatory advice 6 (How to prepare an access and participation plan).

I will update you on the final date for publication of these documents as soon as possible.

Implementation of new access and participation plans

We are currently reviewing the timescales for implementing any new approach we decide to take to access and participation plans following our consultation. This responds to some views expressed in the consultation about the timescale we had proposed for providers to prepare new plans.

Our current intention is to ask a first cohort of 30 to 50 providers to submit new access and participation plans this summer – these plans would take effect for the 2024-25 academic year onwards. Most remaining providers would then need to submit new access and participation plans in spring or summer of 2024 – these plans would take effect for the 2025-26 academic year onwards. We expect to provide more information about these arrangements in March when we have made final decisions following our consultation.

We would expect to take into account the time providers in the first cohort would need to prepare their plans, particularly if they are recruiting prospective students to early UCAS application deadlines.

We would offer additional support to help the first cohort of providers, and their students, prepare their access and participation plans and student submissions. This would include telephone surgeries and focused workshops on any new elements in APPs and areas where responses in the consultation suggested that providers were looking for further information. This would be an opportunity for these providers and their students to contribute to the further development of our guidance on preparing access and participation plans (regulatory advice 6) and the Equality of Opportunity Risk Register.

We expect to provide further information about how providers can join the first cohort in March. Alternatively, if you would like to express an early interest in having your plan considered this year, please email the team at app@officeforstudents.org.uk

We expect to make final decisions about adopting this approach when we conclude decision-making for all the proposals in our consultation. However, our current view is that it would address a number of points made in consultation responses and so we are likely to adopt it.

Access and participation dashboard

We are planning to publish an update to the access and participation data dashboard² in late March, including the latest student data up to the 2021-22 academic year.

We recently consulted on constructing student outcome and experience indicators for use in our regulation.³ Following that consultation our intention was to publish an additional update to the access and participation dashboard in late 2022 that accounted for the consultation outcomes. We have decided not to proceed with that update given the currently anticipated timelines for new access and participation plans for 2024-25 described above.

In the meantime, you may find the indicators we published in September 2022 – relating to our regulation of students outcomes⁴ and the TEF⁵ – helpful in understanding the position for the student population covered by your access and participation plan. We have also released individualised student data via the OfS portal from which you can construct your access and participation indicators with reference to some of our published documentation.⁶

Monitoring of access and participation plans for 2021-22

To ensure that our approach is increasingly risk-based and to reduce burden for providers that do not represent increased risk, we will be taking a similar approach to last year's 2020-21 monitoring.

We will review the following information to determine whether an individual provider is making sufficient progress in the delivery of its plan:

- Our updated access and participation data dashboard to assess a provider's progress against the milestones and targets in its plan.
- The access and participation expenditure information in your annual financial return where you submit that return to us.
- Other information we hold.

If we conclude your provider is making sufficient progress, we will not send a monitoring outcome letter to you. If we determine that your provider is not making sufficient progress, we may contact you for further information. You may also receive a letter setting out any remaining concerns we have and highlighting where we expect improved performance.

² See www.officeforstudents.org.uk/data-and-analysis/access-and-participation-data-dashboard/.

³ See www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/outcome-and-experience-data/.

⁴ See www.officeforstudents.org.uk/data-and-analysis/student-outcomes-data-dashboard/.

⁵ See www.officeforstudents.org.uk/data-and-analysis/tef-data-dashboard/.

⁶ See www.officeforstudents.org.uk/data-and-analysis/student-outcome-and-experience-measures/documentation/.

Variations to access and participation plans for 2023-24

In April 2022 we asked providers to request variations to their access and participation plans to address the Director for Fair Access and Participation's new strategic priority areas. We have now completed our analysis of the variations.

We are today publishing a report which highlights that over 90 per cent of providers submitted variations to their access and participation plans. This positive response demonstrates that the sector is undertaking a significant amount of work that aligns with the four new national access and participation strategic priorities.

Fee summaries for 2023-24

We have today published data that confirms the fee limits⁷ that apply for the 2023-24 academic year, resulting from submissions to the 2023-24 Annual Fee Information return. We have made 2023-24 fee summaries available on the OfS portal.

In accordance with our guidance on access and participation plans (regulatory notice 1),⁸ we expect you to publish fee information on your website alongside your access and participation plan. We will contact your administrator for the OfS portal later today with information about how to access your 2023-24 fee summary.

The status of access and participation plans for 2023-24 not already confirmed through other processes

Later today we will write to a small number of providers that did not submit a variation request to confirm the provisional roll over of their current access and participation plans for 2023-24.

⁷ See www.officeforstudents.org.uk/data-and-analysis/access-and-participation-plan-data/fee-limits-data/.

⁸ See www.officeforstudents.org.uk/publications/regulatory-notice-1-access-and-participation-plan-guidance/.