

Chief executive's report

Board's primary role in relation to this paper:

- A. Set strategy
- B. Set risk appetite
- C. Oversee performance
- D. Understand context

Purpose

1. This paper provides an update on work undertaken and issues that have arisen since the last board meeting on 23 May 2024 to the extent that they are not covered in other board papers.
2. This update is shorter than normal because of the small gap between board meetings and the impact of the restrictions in place during the pre-election period which means we have not been able to bring planned work to completion.

Decisions requested

3. The board is invited to:
 - a. Note the updates contained in this paper.

Paper publication

4. To be published externally along with the board papers with appropriate exemptions.

For further information, please contact Susan Lapworth, Chief Executive.

Quality and standards

Quality case work

5. We have paused publication of outcomes from our case work relating to quality because of the pre-election restrictions. When the restrictions are lifted, we will be ready (subject to final decision-making) to move forward with the following:
 - a. Publication of the first set of 10 B3 student outcomes cases, including regulatory action.
 - b. Publication of the final two assessment reports for cases relating to business and management courses and computing courses.
 - c. Sector-wide engagement and communication about the wider findings from our quality assessment work, including a research report as part of the first phase of our evaluation of revised condition B3.
6. We are also progressing to decisions about regulatory findings and further action for five cases relating to business and management courses and computing courses. This is likely to include decisions relating to the validating universities involved in partnership arrangements.

Freedom of speech

7. We continue to deliver the work needed to implement the Higher Education (Freedom of Speech) Act 2023. We received over 130 responses to our third consultation on free speech matters, which included proposed regulatory guidance on some of the new free speech duties. Our public engagement on these issues has been significantly curtailed because of the pre-election restrictions, but we remain on track to deliver the following after the election:
 - a. Publication of our response and decisions in relation to the three freedom of speech consultations.
 - b. Launch of our new free speech complaints scheme on 1 August.
8. The parliamentary process in relation to the new Students' Unions (Freedom of Speech) (Monetary Penalties) (England) Regulations 2024 was not completed before parliament was prorogued on 30 May. Incoming ministers will be asked to decide whether, and if so when, to recommence that process.
9. We plan to brief non-conflicted board members on our free speech work, and on engagement plans, later in July.

Equality of opportunity

Harassment and sexual misconduct

10. We were ready to publish the response to our consultation on harassment and sexual misconduct in late May but this was not possible because of the pre-election restrictions. We will be ready to publish consultation outcomes and the results of our pilot prevalence survey when the restrictions are lifted.

Mental health

11. We have provided funding to Student Minds to support work to encourage all universities to sign up to the University Mental Health Charter by September 2024. In the most recent year, 96 providers were members of the programme. Pre-election restrictions have limited the proactive engagement we had planned and so we have focused our work with Student Minds on gaining insight into the reasons providers have not signed up, as well as continuing to fund and monitor progress in growing the membership.

Degree apprenticeship funding

12. We have launched wave 3 of the degree apprenticeship competition fund with the funding application window closing on 16 July.¹

Enabling regulation

Financial sustainability

13. We have continued our analysis of providers' annual financial returns, and our assessment of financial viability and sustainability for those providers that have submitted more recent financial data.

14. Financial analysis and modelling of risk scenarios is helping to direct our engagement with providers in the run up to the main recruitment period in the autumn. Evidence suggests that the mid-year international recruitment cycle has been significantly below expectations, and we expect recruitment and income to be below target levels. This will challenge the financial position of providers in 2024-25. We continue to work collaboratively with DfE on financial sustainability risk.

15. We had planned an event on financial sustainability for 3 July and have now moved this to 17 July so that it does not coincide with the pre-election period.

16. We have secured £1.5m from the DfE, to be spent in the current financial year, to draw on consultancy support for our assessment of financial risk in providers most exposed to these risks.

Consumer protection

17. We have paused publication of outcomes from our case work relating to consumer protection because of the pre-election restrictions. When the restrictions are lifted, we will be ready (subject to final decision-making) to move forward with publication of the outcomes of the first three cases we referred to National Trading Standards. We are planning student-facing communications on these issues at the same time.

18. Exempt from publication.

¹ See: <https://www.officeforstudents.org.uk/advice-and-guidance/skills-and-employment/degree-apprenticeships/degree-apprenticeships-for-providers/funding-for-degree-apprenticeships/>

Efficient and effective OfS

19. Our programme of engagement visits to providers is currently paused because of the pre-election restrictions. We have continued routine engagement with individual providers on regulatory matters, as well as high-level engagement with sector stakeholders and representative groups. We have well-developed plans to restart our full range of engagement and communications work in July.
20. We have also planned for re-engagement with ministers and parliamentarians after the election.