

Minutes of the OfS board meeting – 9 October 2024

Location: 12 Bloomsbury Square, London

Present members: Sir David Behan (Chair)
Arif Ahmed (Director for Freedom of Speech and Academic Freedom)
John Blake (Director for Fair Access and Participation)
Martin Coleman
Elizabeth Fagan
Katja Hall
Rachel Houchen
Susan Lapworth (Chief Executive)
Simon Levine
Dayo Olukoshi
Michael Spence
Caleb Stevens

Attendee: Patrick Curry, Director Higher Education, Quality and Education from the Department for Education

Apologies: Verity Hancock

Officers: Jean Arnold, Deputy Director of Quality
Will Dent, Head of Financial Sustainability (items 12 and 13)
Josh Fleming, Director of Strategy and Delivery
Paul Huffer, Head of Legal
Katherine Jacob, Corporate Governance Senior Officer (clerk)
Meg Matthews, Head of Development and Effectiveness
Sophie McIvor, Head of Communications
Philippa Pickford, Director of Regulation
Nolan Smith, Director of Resources and Finance
David Smy, Deputy Director of Enabling Regulation
Mike Spooner, Senior Adviser to the CEO and Chair

Item 1. Chair's welcome and minutes from the last meeting

1. Board members and the Department for Education (DfE) representative were welcomed.
2. Apologies were received from Verity Hancock.
3. The minutes of the board meeting on 4 July 2024 were approved.

Item 2. Chief executive's report

4. The chief executive explained the proposed approach to the annual consolidated pay settlement for OfS staff.

- a. We have submitted our pay remit for approval by the Secretary of State. We propose to increase consolidated pay for all staff by 5 per cent; this is consistent with the Government's guidance. When the Secretary of State has made her decision, the OfS will discuss the proposal for relevant staff with the local PCS union.
 - b. Exempt from publication.
 - c. The board agreed with the proposed approach.
5. The following comments were made about the Chief Executive's report:
- a. The OfS should ensure that its work on the regulation of harassment and sexual misconduct is communicated to students. It was confirmed that this will be communicated at an upcoming webinar for students and that the National Union of Students, as well as providers and their students' unions, could also help to spread the message.
 - b. The findings of the interim evaluation report into the Postgraduate conversion course in data science and artificial intelligence were welcomed. It was suggested that incentivising growth of provision delivering skills in this way could be used as a model for future funding exercises.
 - c. Providers do not yet have a final position on student recruitment, but international recruitment appears weaker than forecast. It was noted that since the pandemic, the conversion rate from acceptance to enrolment has been unpredictable.

Items 4, 5 and 6. Understand context

6. Papers on the political context, student context and sector context were provided to the board, to develop its understanding of the context for the OfS's work.
7. Exempt from publication.

Item 7. Progress on delivery of current strategic goals

8. The board reviewed a progress report on delivery of the strategic goals. The following comments were made:
 - a. While the implementation of the free speech legislation has been paused, free speech is primarily being regulated through the E conditions (management and governance). In addition, the new condition on harassment and sexual misconduct contains provisions that relate to free speech. The OfS also has a monitoring role in relation to the Prevent duty, which includes section 31 duties related to freedom of speech; and providers are still subject to the section 43 duty (in the 1986 Act) to take reasonably practicable steps to secure freedom of speech within the law.
 - b. The OfS's primary focus should be on protecting students' educational experience, as this is their priority. Intervening to ensure students' consumer rights are protected would continue to be important, for example through our work with Trading Standards, but this should be seen as a back stop rather than our primary focus.

- c. Many students do not use the language of consumer rights, but often their expectations reflect those of consumers.
- d. Students should not be considered as a generic group, but different types should be segmented, as they have different interests and needs.
- e. In terms of regulatory burden, regulatory requirements are necessary to protect students, but we should continue to seek areas in which unnecessary burden could be reduced, for example, by applying lessons from our approach to quality and financial sustainability.
- f. The continuation and completion rates reflected in KPM1 may indicate that more work needs to be done to improve student outcomes.
- g. Data on the outcomes of degree apprenticeships can be identified in the published dashboards, and the executive is discussing how more insight can be gained from the data we collect. The board would be invited to consider these issues further in the context of a revised data strategy.
- h. Exempt from publication.

Item 8. Student input, insight and information

- 9. The board considered a paper on the development of the OfS's approach to student input, insight and information, and proposed mechanisms to deliver a step change in this area. The aim is to continue to expand the OfS's use of quantitative and qualitative data to increase the sophistication of our understanding of students' experiences.
- 10. To strengthen mechanisms for students to share input with the OfS, we are drawing on our success with the Accountable Officer quarterly briefings and the Disability in Higher Education panel. The current student panel would be replaced with a Student Interest Board, formed with a combination of students, staff and students' union officers and others who represent students' interests. The Student Interest Board would discuss issues from the agenda of the next OfS board meeting and this input would be conveyed to the board.
- 11. Noting that input from any group cannot be assumed to be representative of all students, an insight strategy has been developed, which includes insight internships, regular heartbeat surveys and monthly explorations, with additional insight work commissioned as required.
- 12. The following comments were made:
 - a. Some student bodies represent their particular cause rather than students, so it is important that the perspectives the OfS gathers are representative of the diversity of students across the sector.
 - b. Board members noted some of the potential limitations of some relevant activities:
 - i. While segmentation is generally a useful exercise, about 80 per cent of students may fall into the same segment – further work should be done to understand whether and in what ways student populations can be usefully segmented.

- ii. It is important to understand the difference between how people claim to behave and how they actually behave.
 - iii. A useful approach would be to first determine what we need to achieve by using student insight, and then establish the best method to achieve it.
- c. The chair of the student panel agreed that it would be useful to have wider representation from students, and that while a more broadly constituted Student Interest Board would be helpful, it would need to be supplemented by input and insight gathered through other mechanisms.
 - d. It could be useful to include an employer on the Student Interest Board.
 - e. The OfS should consider how to establish a credible baseline for the legitimate expectations of students, and also to understand best practice internationally.
 - f. There is an imbalance of power between students and providers. In this way students are comparable to vulnerable consumers, and the OfS should represent their interests. Social scientific methods are helpful to understand the expectations of vulnerable consumers.
 - g. More evidence-based interventions were supported to improve student outcomes, particularly for students from disadvantaged groups.
 - h. There are some groups of students who are more likely to consider themselves to be consumers, and this includes international students whose study may be self-funded. This is an important segment of the student population to understand, especially given the importance of fees from international students to the financial sustainability of providers.
 - i. The work carried out so far to understand and articulate the student interest gives us strong evidence to demonstrate that the OfS actively works in the interest of students. For example, when deciding to introduce the new condition on harassment and sexual misconduct we were able to evidence that this is particularly important to students.
 - j. These mechanisms will stimulate valuable conversations directly between students and providers, and allow the OfS to execute its responsibilities as a regulator and inform policy makers.
13. The board was supportive of the approach set out in the paper and welcomed the progress so far. The proposals will now be developed further.
14. The board agreed that this is a core activity and must be factored into business planning. The OfS must ensure that it has both the capacity and the capability to undertake this work and this should be a central part of discussions with the DfE about sustainable resourcing for the OfS.

Item 10. Risk report

15. The risk report updated the board on the current strategic risks and the principal corporate risks that are rated as 'high'.
16. Exempt from publication.

17. Exempt from publication.

18. The board received the risk report.

Item 11. Report from the Risk and Audit Committee

19. At its meeting in September, the committee had discussed the risk register and assurance map in detail and also Jisc's delivery of Data Futures.

20. The chief executive of Jisc had attended the meeting to provide assurances to the committee on the progress of the current student data collection. Exempt from publication.

Restricted items 12 and 13

21. These items were taken at the end of the meeting. There is a separate restricted minute for these items.

Item 14. Report from the Provider Risk Committee

22. At its meeting in July, the committee had discussed matters related to the restricted items at the end of this meeting and outstanding registration cases. The new 'not taking any further' process has been helpful in identifying and addressing applications that could not be progressed.

23. The committee had also discussed the approach to new registration cases.

Item 15. Report from the Quality Assessment Committee

24. At its meeting in September, the committee had considered applications for degree awarding powers (DAPs) and had agreed its advice.

25. The committee discussed how the process for assessing DAPs could be streamlined.

Item 16. Finance and resources report

26. The board reviewed the finances and resources report.

27. Exempt from publication.

28. Exempt from publication.

29. Exempt from publication.

30. Exempt from publication.

31. Exempt from publication.

Item 17. Annual plan for board business

32. The board reviewed the annual plan for board business and requested the following items for its meeting in December:
- a. The report from the independent review of Data Futures.
 - b. A paper on data strategy.
 - c. An OfS performance report.
 - d. A report on progress towards implementation of the recommendations in the OfS Public Bodies Review.

AOB / Closing remarks

33. There was no other business.
34. Michael Spence left the meeting due to a conflict of interest.
35. Patrick Curry left the meeting.

Restricted items 12 and 13

36. There is a separate confidential minute for these items.