

Office for  
Students



# A new approach to regulating access and participation in English higher education

**Consultation**

**Reference** OfS 2018.33

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# Foreword

Access, success and progression for every student, whatever their background, is central to the work of the Office for Students.

Our ambition is that everyone should be able to study at a higher education provider that meets their needs and aspirations, that all students are supported to succeed in their studies, and that the higher education sector is an engine for social mobility and a gateway to a better life for those who undertake it.

It's easy to see how this is in the interests of students and potential students. But it also enlivens academic communities, boosts our national and local economies, and enriches society.

We are a long way from equality of opportunity in relation not just to access, but also student success and progression.

We want to ratchet up the level of ambition, especially in the universities that have the biggest gaps in access and participation. Universities and colleges must focus on the evidence about what works best, evaluating their interventions so they do more of what actually improves access and outcomes for students from disadvantaged backgrounds.

We will work to improve access and participation through our commitment to all students from all backgrounds which extends through all of our regulatory conditions and activities.

In particular, we will apply pressure, through our assessment of access and participation plans, for higher education providers to reduce the gaps in access, success and progression, and to improve and sustain their practice in this area.

And we also provide support for the sector-wide activities that are needed to underpin this improvement, for example the availability and use of data and evidence, collaborative working between higher education providers and with schools and employers, and the development and sharing of innovative and effective practice.

This consultation is about making sure we are using those tools in the most effective way.

It is the biggest shake up of access and participation regulation since 2004, so it is important that we get it right.

But we think the new approach we are proposing has truly exciting potential. It's really a once in a generation opportunity to drive the transformational change that current and potential students deserve.

If you have an interest in higher education access and participation, we would be delighted to receive your response.

**Chris Millward**

**Director for Fair Access and Participation, Office for Students**

# About this consultation

## What is this consultation for?

1. This document sets out consultation proposals relating to the Office for Students' (OfS's) approach to access and participation in higher education. It particularly relates to the OfS's powers under the Higher Education and Research Act 2017 (HERA) to issue guidance as to the matters to which the Office for Students (OfS) will have regard in deciding whether to approve access and participation plans (section 29(4)) and its powers to issue advice on good practice (section 35).
2. We wish to develop a new strategy in which all the activities of the Office for Students (OfS) work effectively together to improve equality of opportunity in student access, success and progression for groups of students that are currently underrepresented in English higher education. Your input to this consultation will help us decide how we can most effectively do that.
3. This consultation focuses on our approach to access and participation plans (APPs) and transparency information<sup>1</sup>.
4. It is part of our wider work towards our objective of ensuring that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers. This includes our work to meet the public sector Equality Duty, specifically our equality objectives and priorities, which we plan to publish later in the autumn. We are also working with other relevant stakeholders and sector agencies on issues affecting students in higher education, such as student health (including mental health), safeguarding, preventing students being drawn into extremism, and ensuring freedom of speech on campus.

## Who should respond to this consultation?

5. We welcome responses from anyone with an interest in access and participation in English higher education. We are particularly (but not only) interested in hearing from students, staff, academics and leaders at higher education providers that will be engaging in the new arrangements resulting from the review. We welcome the views of all types and size of provider.
6. We are also interested in the views of schools and further education colleges, employers, third sector organisations, policy bodies, and others with an interest in equality of opportunity in education.

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<sup>1</sup> See paragraphs 38 to 40 for a description of access and participation plans and transparency information.

## Further information

7. For more information about our work and our current approach to access and participation regulation and funding please visit the OfS website<sup>2</sup>.
8. If you have any queries about this consultation, or require this document in an alternative format or assistance with the consultation form, please contact us on 0117 931 7123 or email [apreview@officeforstudents.org.uk](mailto:apreview@officeforstudents.org.uk). Note that this email address should not be used for submitting your consultation response.

## How to respond to the consultation

1. If you would like to respond to this consultation, please do so by **noon on Friday 12 October 2018**, ideally using the online response form available at <https://survey.officeforstudents.org.uk/s/accessparticipation/>.
2. We are holding five consultation events in September 2018 in London, Leeds, Birmingham and Bristol. These events will provide an opportunity for you to ask any questions you may have, and speak to colleagues including OfS staff. For further details, see Annex A.
3. We sent an invitation to heads of English higher education providers involved in registration, the registration contact for access and participation plans, and some third sector organisations on 15 August. If your organisation has not received an invite and you are interested in attending please email [apreview@officeforstudents.org.uk](mailto:apreview@officeforstudents.org.uk). More information can be found on our website<sup>3</sup>.

## Information provided to the Office for Students

9. We will commit to read, record and analyse responses to this consultation in a consistent manner. For reasons of practicality, usually a fair and balanced summary of responses rather than the individual responses themselves will inform any decision made. In most cases the merit of the arguments made is likely to be given more weight than the number of times the same point is made. Responses from organisations or representative bodies with high interest in the area under consultation, or likelihood of being affected most by the proposals, are likely to carry more weight than those with little or none.
10. Please be aware that the OfS is subject to the Freedom of Information Act 2000, data protection legislation and the Environmental Information Regulations 2004. If we receive a request for information related to your consultation response then we will ensure any information that is exempt is protected. Where appropriate we will consult with you.

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<sup>2</sup> [www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/improving-access-and-participation/](http://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/improving-access-and-participation/).

<sup>3</sup> [www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/improving-access-and-participation/our-future-approach-to-access-and-participation/](http://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/improving-access-and-participation/our-future-approach-to-access-and-participation/).

# Introduction

## Why do we need a new approach?

11. English higher education providers have improved access and participation considerably over the past decade, but we are a long way from equality of opportunity. There are substantial gaps between underrepresented groups and other students at every stage of higher education – from entry right through to transition into work and beyond. Young people from the least represented areas are 33 percentage points less likely to go to higher education than those who grow up in a more advantaged neighbourhood, and are 3.6 percentage points more likely to drop out once they are there. Also, white students are 22 percentage points more likely to get a first or upper second class honours degree than black students, and differences persist even after taking into consideration course and qualifications on entry.
12. We therefore want to ramp up the pace of improvement, and drive transformational change rather than the incremental progress we see now.
13. To do this we are focusing on how we can:
  - achieve significant reductions in the gaps in access, success and progression over the next five years
  - ensure our access and participation regulation and funding are outcome-based, risk-based, underpinned by evidence and joined up with other OfS regulatory activities.
14. We want to create an approach that encourages higher education providers to be as strategic and ambitious as possible, as this will drive the greatest impact for students. We also want our approach to be transparent and accessible so students can better understand the work taking place, and the progress being made to address equality of opportunity.

## How we are developing our new approach

15. This consultation is part of a review of access and participation regulation and funding that we announced in our strategy and business plan<sup>4</sup> and guidance on 2019-20 access and participation plans<sup>5</sup>.
16. For the purposes of this review, we consider that the OfS's relevant functions are those relating to or supplementary to:
  - the approval of access and participation plans

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<sup>4</sup> [www.officeforstudents.org.uk/news-blog-and-events/news-and-blog/office-for-students-publishes-strategy-and-business-plan/](http://www.officeforstudents.org.uk/news-blog-and-events/news-and-blog/office-for-students-publishes-strategy-and-business-plan/).

<sup>5</sup> [www.officeforstudents.org.uk/publications/regulatory-notice-1-guidance-on-access-and-participation-plans-for-2019-20/](http://www.officeforstudents.org.uk/publications/regulatory-notice-1-guidance-on-access-and-participation-plans-for-2019-20/).

- advice on good practice with the promotion of equality of opportunity
- funding
- registration conditions.

17. In performing these functions, we have regard to all of the general duties set out under Section 2(1) of HERA 2017. We are proposing to place particular weight on our general duties under 2(1)(e) (relating to the promotion of equality of opportunity in connection with access to and participation in higher education) and 2(1)(b) (relating to promoting quality, and greater choice and opportunities for students), and our separate duty under section 149(1) of the Equality Act 2010 to have due regard to advancing equality of opportunity. In performing our access and participation functions, we will also have regard to our separate duty under section 36 of HERA to protect academic freedom.

18. In the context of the functions set out above, we have identified the following priority areas:

- the cycles of approval and monitoring of access and participation plans
- annual monitoring and planning
- access and participation plan targets
- funding and investment in access and participation
- evaluation
- our approach to data, including the transparency information condition and an access and participation dataset.

19. Although this consultation focuses largely on APPs and transparency information, the review as a whole also covers other aspects of our work such as student premium funding and the National Collaborative Outreach Programme (NCOP). We are also considering the cross-cutting work that underpins all of these activities: evaluation (including how the OfS champions good practice), the use of data, how collaboration can help providers achieve more, and broader issues such as engagement between schools, further and higher education providers, and alignment with the Teaching Excellence and Student Outcomes Framework (TEF)<sup>6</sup>.

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<sup>6</sup> [www.officeforstudents.org.uk/for-students/teaching-excellence-and-student-outcomes-framework/](http://www.officeforstudents.org.uk/for-students/teaching-excellence-and-student-outcomes-framework/).

## Evidence used to inform our review and this consultation

20. Between May and August, we engaged with a diverse range of stakeholders in order to develop our proposals. These have included:
- a. A focus group co-facilitated with the National Union of Students to test the consultation proposal with second year sabbatical students (referred to as the student focus group throughout this document).
  - b. A meeting of the OfS student panel where we presented the ideas emerging from the survey and workshops.
  - c. A survey to capture a broad range of views. We asked a series of open and closed questions on APPs, student premium funding and NCOP. We received 245 responses from universities, colleges, schools, colleges and third sector agencies. The results from the survey can be found on our website<sup>7</sup>.
  - d. Five review workshops on the themes of targets, the cycle of plans, monitoring, funding and investment, and data, with 150 attendees from providers. At each workshop we presented different models for how the OfS could approach access and participation. In addition we held a roundtable with senior school staff. The feedback informed the development of our final consultation.
  - e. Roundtable discussions on the transparency information condition with 40 attendees from a wide variety of providers, including small and specialist institutions, colleges and sector bodies.
  - f. A series of one to one meetings with key stakeholders. These included meetings with mission groups, third sector organisations, and student representatives.

## Background information and context

### Why the Office for Students is interested in access and participation

21. The Office for Students is the new independent regulator of higher education in England.
22. We aim to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers. Our ambition is that everyone should be able to study at an institution that meets their needs and aspirations, that all students are supported to succeed in their studies, and that the higher education sector delivers on the promise of higher education as an engine for social mobility and a gateway to a better life for those who undertake it. Further information on our aims and objectives can be found on our website<sup>8</sup>.

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<sup>7</sup> [www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/improving-access-and-participation/our-future-approach-to-access-and-participation/#APsurvey](https://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/improving-access-and-participation/our-future-approach-to-access-and-participation/#APsurvey).

<sup>8</sup> [www.officeforstudents.org.uk/about/what-we-do/](https://www.officeforstudents.org.uk/about/what-we-do/).



23. To ensure that the higher education sector – and individual providers – deliver positive outcomes for all students from all backgrounds, our strategy focuses on the four primary regulatory objectives set out below (OfS 2018.18)<sup>9</sup>.

### Our four primary regulatory objectives

**We aim to ensure that...**

Office for Students 

<b>every student, whatever their background,</b>	<b>has a fulfilling experience of higher education</b>	<b>that enriches their lives and careers.</b>
<b>Participation</b>	<b>Experience</b>	<b>Outcomes</b>
<b>Objective 1</b> All students, from all backgrounds, with the ability and desire to undertake higher education, are supported to access, succeed in, and progress from higher education.	<b>Objective 2</b> All students, from all backgrounds, receive a high quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure.	<b>Objective 3</b> All students, from all backgrounds, are able to progress into employment, further study, and fulfilling lives, and their qualifications hold their value over time.
<b>Value for money</b>		
<b>Objective 4</b> All students, from all backgrounds, receive value for money.		

24. We will achieve these outcomes by fulfilling the duties placed on us by HERA, and using the levers in the regulatory framework, ensuring that access and participation is supported throughout our work.

<sup>9</sup> [www.officeforstudents.org.uk/publications/office-for-students-strategy-2018-to-2021/](http://www.officeforstudents.org.uk/publications/office-for-students-strategy-2018-to-2021/).

## **The government's review of post-18 education and funding**

25. In February 2018, the government set up a review of post-18 education and funding<sup>10</sup>.

26. We currently expect that an independent panel, led by Philip Augar, will publish its report at an interim stage before the government concludes the overall review in 2019. This review, and an anticipated Spending Review, are likely to impact on access and participation activities in the future. This limits the extent to which it is feasible to plan for the longer term. However, the government and ministers want to see greater ambition in this area as early as possible. This is why these proposals are being set out now; it is important to start to drive improvements in the development of access and participation plans for 2020-21.

## **What are 'underrepresented groups'?**

27. Throughout this consultation we refer to 'underrepresented groups' as a general term. This term is identified as the focus of APPs within the governing regulations (section 32 of HERA and section 2 of the Higher Education (Access and Participation Plans) (England) Regulations 2018). We use it to include all groups of potential or current students where we can identify gaps in equality of opportunity in different parts of the student lifecycle.

28. In our 2019-20 APP guidance<sup>11</sup>, published in February 2018, we considered underrepresented groups of students to include students who share the following particular characteristics where data shows gaps in equality of opportunity in relation to access, success or progression:

- students from areas of low higher education participation
- students from low income households or low socioeconomic status groups
- students of particular ethnicities
- mature students
- disabled students
- care leavers.

## **Our current approach to access and participation regulation and funding**

29. We use our powers as a regulator to influence higher education providers to improve entry rates, retention and outcomes for students from underrepresented groups through

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<sup>10</sup> [www.gov.uk/government/publications/review-of-post-18-education-and-funding-terms-of-reference](http://www.gov.uk/government/publications/review-of-post-18-education-and-funding-terms-of-reference).

<sup>11</sup> See [www.officeforstudents.org.uk/publications/regulatory-notice-1-guidance-on-access-and-participation-plans-for-2019-20/](http://www.officeforstudents.org.uk/publications/regulatory-notice-1-guidance-on-access-and-participation-plans-for-2019-20/).

regulation and funding. An overview of the different methods currently used to promote equality of opportunity is provided in this section.

### **Access and participation plans**

30. APPs are documents that set out how higher education providers will improve equality of opportunity for underrepresented groups to access, succeed in and progress from higher education. They apply to fee-regulated students on most undergraduate courses and postgraduate initial teacher training, but they exclude other postgraduate courses. The Director for Fair Access and Participation, under authority delegated from the OfS Board, publishes guidance on priorities for APPs, and the approach to approving them, in accordance with section 29(4) of HERA.

31. APPs include:

- the provider's ambition for change
- what it plans to do to achieve that change
- the targets it has set
- the investment it will make to deliver the plan.

32. If higher education providers are registered with the OfS as Approved (fee cap) providers and want to charge higher tuition fees, they must have an APP approved by the Director for Fair Access and Participation. For more information see our website<sup>12</sup>.

### **Recent changes to access and participation plans**

33. From academic year 2019-20, APPs have replaced access agreements approved by the Director of Fair Access to Higher Education, as published by the Office for Fair Access. To support the transition to the new OfS regulatory framework and to allow time for the OfS to engage with providers about the review, our approach to APPs for 2019-20 was similar in many respects to that taken to access agreements in previous years.

34. However, there were also changes to ensure consistency and coherence with the broader OfS approach, including:

- an increased focus on outcomes, with expectations based on a combination of the OfS assessment of the provider's current performance and the credibility of its own assessment of performance
- a stronger focus on reducing the gaps in success and progression, as well as access

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<sup>12</sup> [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/).

- a broader range of regulatory powers, the use of which will be determined by the OfS's assessment of the risk that a provider will breach one or more of its ongoing conditions of registration
- an expectation that providers will secure continuous improvement in outcomes and the underpinning practice.

### **Our risk-based approach to APP regulation**

35. As set out in the regulatory framework<sup>13</sup>, the OfS takes a risk-based approach to regulation – in other words, we are concerned with the level of risk that a provider may breach one of the ongoing conditions that it must meet to be registered with us. In relation to access and participation, this is the risk of a breach of condition A1, which states that an Approved (fee cap) provider intending to charge fees above the basic amount to qualifying persons on qualifying courses must:

- a. have in force an access and participation plan approved by the OfS in accordance with HERA
- b. take all reasonable steps to comply with the provisions of the plan.

36. We make judgements about risk based on evidence and will continuously review our judgements as we monitor progress against plans annually and as new information and data become available. Our view of risk in relation to APPs, and therefore for condition A1, will be informed by:

- the extent of the gaps between different student groups in respect of access, success and progression, on the basis of local and national data and other forms of evidence
- the rate of progress in narrowing those gaps
- the ambition and credibility of a provider's plan, including their self-assessment of performance.

37. The OfS has a number of regulatory interventions and sanctions available to respond to an increased risk of a breach, or an actual breach, of condition A1. Further information on our approach can be found in the Office for Students regulatory framework.

### **The transparency information condition**

38. The transparency information condition (condition F1), as set out in the Office for Students regulatory framework, requires that higher education providers must provide to the OfS, and publish, in manner and form specified by the OfS, the transparency information set out in section 9 of HERA. The transparency information means such information as the OfS requests in relation to the following:

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<sup>13</sup> [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/).

- a. The number of applications for admission on to higher education courses that the provider has received.
- b. The number of offers made by the provider in relation to those applications.
- c. The number of those offers accepted and the number of those who go on to register at the provider.
- d. The number of students who registered and went on to complete their course with the provider.
- e. The number of students who attained a particular degree or other academic award, or a particular level of such an award, on completion of their course with the provider.

39. In each case, the information that the OfS may request includes those numbers by reference to the following:

- the gender of the individuals to which they relate
- their ethnicity
- their socioeconomic background.

40. The data relates to all UK-domiciled applicants and students studying in the UK. Providers registered with the OfS will need to comply with the condition from August 2019. This review will be seeking views on the potential role of additional age and disability data splits in the transparency information.

### **Funding provided by the OfS**

41. The OfS has the power under transitional arrangements<sup>14</sup> to fund institutions or other persons for connected purposes relating to the provision of education.

42. Funding is an important part of our review of access and participation regulation and funding; however we are not consulting on it as part of this consultation. The OfS Board will consider what changes it may need to make to its funding for access and participation in light of the government's review of post-18 education and funding and the outcomes of the Spending Review.

43. The OfS provides funding in the form of premiums and funded programmes to support equality of opportunity. Two important aspects of access and participation funding are:

- a. National Collaborative Outreach Programme (NCOP) – This aims to rapidly increase the number of young people from underrepresented groups who go into higher education. The NCOP brings together 29 partnerships of universities, colleges,

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<sup>14</sup> These transitional arrangements preserve section 65 of the Further and Higher Education Act 1992 and it is expected that the OfS will have similar enduring powers to fund once sections 39 and 40 of HERA are brought into force.

schools and other local agencies to deliver sustained and progressive programmes of higher education outreach with young people in Years 9 to 13. For more information see our website<sup>15</sup>.

- b. **Student premium funding** – The OfS provides three targeted funding allocations to providers to support successful student outcomes. The allocations do not take the form of funds for individual students. We allocate them to support the extra cost to institutions this work entails. The premiums are:
- full-time student premium, which totalled £165 million in 2018-19
  - part-time student premium, which totalled £72 million in 2018-19
  - disabled students premium, which totalled £40 million in 2018-19.

### Supporting effective practice

44. Section 35 of the Higher Education and Research Act 2017 gives the OfS a specific function to provide advice on good practice. It states that the OfS may:

- identify good practice relating to the promotion of equality of opportunity
- give advice about such practice to registered higher education providers

45. Providers' access and participation plans must demonstrate continuous, year-on-year improvement in their access and participation work, informed by the use of better evaluation. In addition, we are working to create a new independent Evidence and Impact Exchange. The exchange will use evidence and evaluation to understand and show how higher education contributes to social justice and mobility. For more information, please see our website<sup>16</sup>.

### Access and participation statements

46. We require Approved providers, and Approved (fee cap) providers charging fees up to the basic amount for qualifying courses, to publish an access and participation statement and to update and republish this statement on an annual basis.

47. We are not consulting on access and participation statements as part of this consultation. However, during 2018-19 we will explore the published access and participation statements and data to understand whether the current requirements best support our expectations for improving access, success and progression for students from all backgrounds. We will then publish further guidance, if necessary.

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<sup>15</sup> <https://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/national-collaborative-outreach-programme-ncop/>

<sup>16</sup> <https://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/using-evidence-to-improve-access-and-participation-outcomes/>

# Consultation on our proposals

## Consultation summary

### Main points of our consultation

In summary, we propose:

1. The OfS will place the approval of access and participation plans onto a more strategic timescale, with the number of years during which a plan may be in force to be based on risk. Plans should continue to demonstrate clear long-term ambitions for how providers will achieve significant reductions in the gaps in access, success and progression over the next five years. We will review progress against plans each year. Providers at increased risk of a future breach of condition A1 will normally be expected to submit plans every three years. Providers considered not at increased risk of a future breach of condition A1 will be expected to submit their plans every five years. Where we have serious concerns about a future breach, we may expect more frequent resubmission.
2. Providers will be required to publish and submit to the OfS an impact report each year. Financial information previously collected in the annual access and participation monitoring process will be collected as part of wider OfS financial reporting processes. We will ensure that our requirements for impact reports are proportionate, with a lower burden for providers where the risk of a future breach of a condition is not increased.
3. Providers will be expected to include in their access and participation plans a set of strategic, outcomes-focused targets. A small number of these will be recommended by the OfS for use across all providers, and providers will also continue to be able to set outcomes-focused targets related to their own contexts.
4. The OfS will collect predicted access spend disaggregated by pre-16 activity, post-16 activity and work with adults and communities in access and participation plans. We will also continue to collect information on the financial support that providers give to students, and set expectations that this financial support is robustly evaluated, and communicated clearly to students. We will no longer require providers to report on student success and progression spend.
5. Providers will need to complete a self-assessment of their evaluation activities against a set of criteria, as part of their APP. The core purpose of the tool will be to identify and support continuous improvement in evaluation.
6. The OfS will undertake further work to explore if it should require providers to submit and publish transparency data by age and disability. This is in addition to data split by gender, ethnicity and socioeconomic background which is part of the

transparency information condition F1 required by the current OfS regulatory framework.

7. The OfS will create, publish and maintain an access and participation dataset that provides a picture of access and participation across the higher education sector and at individual providers.

## Access and participation plan and monitoring cycle

Proposal 1: The OfS will place the approval of access and participation plans onto a more strategic timescale, with the **number of years during which a plan may be in force to be based on risk**. Plans should continue to demonstrate clear long-term ambitions for how providers will achieve significant reductions in the gaps in access, success and progression over the next five years. We will review progress against plans each year. Providers at increased risk of a future breach of condition A1 will normally be expected to submit plans every three years. Providers considered not at increased risk of a future breach of condition A1 will be expected to submit their plans every five years. Where we have serious concerns about a future breach, we may expect more frequent resubmission.

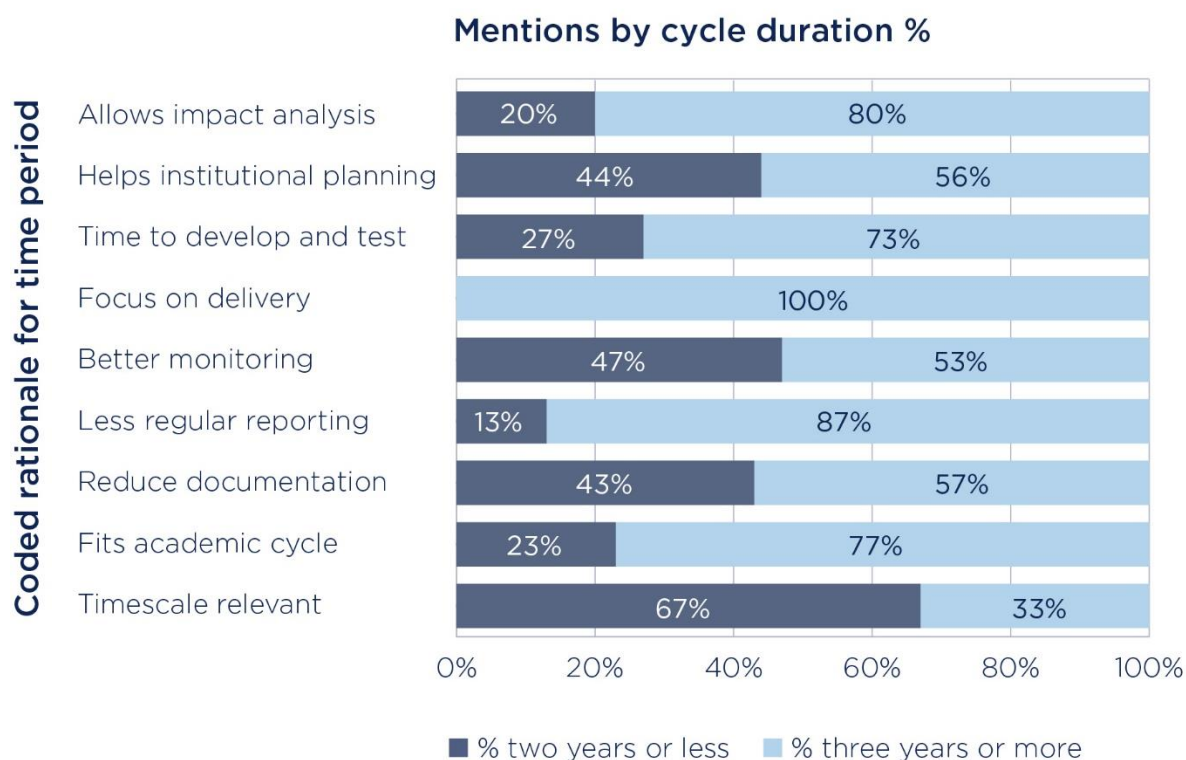
### Rationale

48. Providers' 2019-20 APPs – and prior to that, their access agreements approved by the Director of Fair Access to Higher Education – have been an important lever in improving access and participation for those from underrepresented groups in recent years. Though there has been scope in legislation for access agreements and APPs to run for up to five years, providers were expected to submit a new agreement or plan every year, as approving or rejecting them was the main regulatory tool.
49. The regulatory framework gives the OfS a broader range of powers to improve access and participation beyond the approval or rejection of a plan, though rejecting a plan with consequences for a provider's registration status remains an option available to the OfS. These additional powers mean that APPs are now more strategic documents which will be combined with more rigorous and tailored monitoring to drive transformational change in access and participation.
50. We are therefore proposing to place the approval of access and participation plans onto a more strategic timescale, where the precise period of time during which a plan may be in force is based on risk, to allow providers to take a more strategic approach to fair access and participation and to support this transformational change.
51. We will monitor providers' progress annually and will expect individual providers to submit a new plan earlier than three years, where they are at increased risk of a future breach of condition A1 and not making sufficient progress.



52. For providers not at increased risk of a future breach of condition A1, we may allow these providers to roll forward their plans up to a maximum period of five years.
53. We believe that a risk-based approach to the approval of plans, with annual monitoring, will achieve the following:
- enable providers to be more ambitious as they will have longer to plan and embed their delivery of targets
  - allow providers to take more strategic approaches to access and participation
  - allow greater flexibility to adapt activities as a result of evaluation, encourage innovation, and promote longer-term strategic relationships with schools, colleges and the community
  - enable us to focus more on those providers where risk or gaps are greatest, and where their strategy does not appear to be making progress
  - reduce the frequency of written submissions for providers not at increased risk of a future breach of condition A1, so that they can focus more on implementation.
54. Through our survey, the sector showed a clear preference for a longer APP cycle. Of those that responded to the survey, only 15 per cent of respondents thought APPs should be submitted annually. A further 26 per cent thought APPs should be submitted every two years, while 57 per cent felt APPs should be submitted every three or more years. Discussion in the review workshops and stakeholder meetings also supported this view.
55. Respondents felt a longer cycle of plans would allow them to focus on delivery, better understand the impact of their work, and provide more time to plan and test approaches.

**Figure 1: Survey respondents' reasoning for supporting a longer cycle of plans than the current annual cycle**



Source: Findings from the national OfS access and participation review survey conducted by CFE Research.

56. Discussions with NUS and the student focus group also highlighted the benefits of longer cycles, allowing providers to take a more strategic approach to access and participation.

57. The survey showed a greater preference for a three-year cycle of plans, over four or five years. This was due to concern that a five-year plan may become out-of-date, or diminish in importance within providers. Our proposal for a risk-based approach to the approval of plans with annual monitoring will ensure that they remain relevant and evidence-based, and that providers are fully engaged with their strategies.

### Detail of proposal

58. We propose that, from 2020-21, the precise period of time during which a plan may be in force to be based on risk.

59. All plans should continue to demonstrate clear long-term ambitions for how providers will achieve significant reductions in the gaps in access, success and progression over the next five years.

60. However, we are proposing a regulatory arrangement whereby the initial approval of an access and participation plan for one year will automatically roll over each subsequent year for a maximum period of five years, unless the OfS expressly notifies a provider in writing that a new plan needs to be submitted for approval. We would not normally expect a provider to be asked to resubmit its APP within the first year after submission.

61. The intended effect is that, subject to the OfS's monitoring and risk assessment each year, most plans would normally remain in place for a period of three years or more. This approach aims to give providers a greater degree of regulatory certainty and time for plans to take effect, while allowing the OfS to take a more risk-based approach and enabling resources to be focused on the most important cases, e.g. where there is evidence that a plan is not working to achieve a positive outcome for relevant students.
62. We will expect providers to submit a new plan earlier than three years where progress is not adequate, where their strategic approach needs revisiting, where there is a reportable event such as a merger, or in the event of substantial policy changes.
63. Providers may also choose to submit a new plan earlier where they have a new strategy, have merged with another provider, or evaluation findings suggest a fundamental change in approach is required.
64. For providers not at increased risk of a future breach of condition A1, that can show their plans reflect the most credible and up to date evidence, are addressing the provider's priorities, and can evidence their strategy is making the desired progress, achieving the outcomes set, the Director for Fair Access and Participation may allow a plan to roll on for the maximum of five years.
65. We consider that this approach is consistent with a balancing of our general duties, including in respect of promoting equality of opportunity; using our resources efficiently, effectively and economically; and better regulation principles.
66. Alongside a decision to review or renew a plan, the OfS may consider a provider to be at increased risk of a breach of condition A1 and may impose enhanced monitoring, one or more specific ongoing conditions of registration (for more information see the 'Annual monitoring and planning' section of this document).
67. It is desirable that providers have an approved APP before the beginning of their application cycle, so students have the correct information regarding fees and financial support, and can make an informed choice of where to apply. The proposed timeline for the 2020-21 APP submission is as follows:
  - a. We will publish our response to this consultation in December. This will include details of our approach to targets, to allow providers to start planning.
  - b. We will publish guidance for providers on how to develop their APPs in February.
  - c. Early recruiters will be expected to submit by late April for an approval decision by July.
  - d. Providers that recruit students to courses with a standard recruitment deadline will be expected to submit by May for an approval decision by early September.

- e. Providers wishing to receive public grant funding for the first time the following year will be expected to submit by the end of August for an approval decision by mid-November.
- f. Providers wishing to submit a plan outside this timetable will normally be expected to have an approved APP before the beginning of their recruitment cycle.

## Questions

**1. To what extent do you agree or disagree with the proposal that plans should normally remain in place for a period of at least three years, rather than being submitted annually as at present?**

Strongly disagree	Tend to disagree	Tend to agree	Strongly agree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

## Annual monitoring and planning

Proposal 2: Providers will be required to **publish and submit to the OfS an impact report each year**. Financial information previously collected in our annual access and participation monitoring process will be submitted as part of wider OfS financial reporting processes.

## Rationale

68. In previous years, providers have been asked to submit an annual monitoring return to the Office for Fair Access following the end of each academic year to understand:
- the extent that they have met their access agreement commitments
  - the progress they have made against their targets and milestones
  - provider expenditure on access and participation
  - examples and evidence about effective practice.
69. If a longer cycle of APPs is introduced, there will be an increased need for regular and ongoing monitoring to give assurances to the OfS and to ensure that the sector is delivering the transformational change we want to see in access and participation. This means having an approach that can effectively convey a provider's progress, identify areas of risk and outline the steps the provider will take to address them. It also means building the sector's and our own understanding of effective practice. While the current

approach to monitoring has collected a wealth of useful information, we want this information to be more accessible and purposeful.

70. In line with the regulatory framework, we want to take a more risk-based approach to our monitoring of APPs and funding, and to reduce burden on providers where there is not an increased risk of a future breach of condition A1, while applying greater scrutiny to providers at increased risk of a future breach. We also want our annual monitoring to be a meaningful exercise that encourages reflection and accountability across a provider, and is accessible for students and the public. In the survey, 60 per cent of respondents agreed that the current monitoring process was overly burdensome.
71. Many providers and third sector organisations already produce annual impact reports detailing the outcomes of their access and participation activities for internal committees or as published documents. This is an effective way to communicate progress made and to set out ambitions for future development.
72. In developing this model, we considered the option that the providers at least risk of a future breach of condition A1 would not need to produce an annual impact report, and targets would be systematically monitored using datasets the OfS has available to it. However, condition A1 also requires a registered provider to take all reasonable steps to comply with the provisions of the plan, and we do not feel we could assess the risk of a future breach of this aspect of condition A1 using data alone. In addition, we want to deliver continuous improvement in access and participation, and to understand and promote good practice to contribute to a body of evidence about 'what works'. We will, however, ensure that our requirements for impact reports are proportionate, and sufficiently low burden for providers where the risk of a future breach of a condition is not increased.
73. There was also a strong call from the sector, through the workshops and stakeholder meetings, particularly widening participation practitioners, to have an annual monitoring process in order to ensure access and participation work remained high on the provider and public agenda.
74. Students also felt they were not actively engaged in the monitoring process, and greater focus on student input into monitoring returns will improve this, and empower them to challenge providers on progress against targets.
75. While comparability with the sector came across as a clear driver for improvements, feedback from the survey and workshops highlighted the diversity of the sector and importance of situating progress within a narrative. By reporting against broader aims, as well as targets, performance will be set in context.
76. We believe our proposed approach to monitoring will achieve the following:
  - a. Reduce burden on providers at least risk of a future breach of condition A1 by reducing financial reporting, and by linking reporting with publications that many providers produce outside the regulatory process.

- b. Consistency with the wider OfS approach, such as proportionate, outcomes focused and risk-based regulation.
- c. Greater visibility of the impact reports enabling providers a more public opportunity to affirm their ambition and commitment to access and participation. It will also enable students, and the public, to hold providers to greater account.
- d. The impact reports will be accessible to other providers and can be used to share best practice. The outputs from monitoring will be more clearly communicable and comparable, giving a clearer focus where it is needed.
- e. Provide the OfS with greater ability to intervene where progress is insufficient. Monitoring will anticipate and articulate issues at an earlier stage.
- f. Support innovation, and allow providers to explain the context of their progress, encouraging ambition.
- g. The published action plans that will accompany the impact reports will outline the action providers will take to make improvements, improving accountability

## **Details of proposal**

77. We will monitor progress against providers' APPs on an ongoing basis, using the data available to us such as HESA data, UCAS data and transparency information data. To support providers to assess their own performance, and to improve the transparency of monitoring, we are proposing to create and maintain a publicly available dataset at provider level (see the 'Creating and maintaining an access and participation dataset' section of this document for more information).
78. Providers will be expected to submit an annual impact report to the OfS in a standardised template. The impact report will detail the progress the provider has made against its targets, alongside relevant supporting information and commentary that includes a statement from students. Impact reports will be published on the provider's website, and submitted to the OfS.
79. Providers' impact reports will be publicly facing documents, designed to convey information concisely and effectively. The impact report will be shaped around the aims a provider has set as part of its APP. The main elements will include:
- short introduction to set context
  - for each aim:
    - commentary on overall progress towards aim
    - the level of progress against targets relating to that aim
    - factors that have contributed to successful outcomes, including activity supported by OfS funding (such as NCOP, or student premium) and other sources (such as

third-sector funding or charitable donations), findings from evaluation, and details about future development

- factors that have contributed to a lack of progress in a provider's progress, and findings from evaluation and identifying changes that need to be made
- an opportunity for student bodies to comment on the provider's progress and their work in delivering the plan and monitoring its success
- evaluation self-assessment (see the 'Evaluation' section of this document for more information).

80. A provider may choose to submit an additional action plan to the OfS, for example where:

- the provider has identified a lack of progress
- the provider is making changes in response to evaluation
- the provider is developing good practice further, for example in the case of innovation.

81. In addition, we may use enhanced monitoring powers or a specific condition of registration to require providers to submit an action plan. We will do this when a provider is at increased risk of breaching condition A1 because, in the OfS's view, it is not taking all reasonable steps to comply with the provisions of its plan or there is an increased risk of the OfS not approving a plan in future.

82. The action plan will detail the steps the provider is taking to make improvements over the next year. The action plan, alongside the impact report and our own data and insights, will inform our monitoring and any resulting interventions. Action plans will be published alongside a provider's APP.

83. Providers not at increased risk of a future breach of one or more conditions, and that are performing well in all areas of their APP, will not be required to submit an action plan, although they may choose to do so. The OfS will produce a template for providers to use when producing an action plan.

84. The information from the impact reports and action plans will be used to inform the OfS's work on effective practice, and will contribute to the body of evidence about 'what works' in access and participation, through the Evidence and Impact Exchange<sup>17</sup>.

85. The OfS will produce an annual report which will outline the progress made in access and participation, showcase good practice, and highlight where more efforts need to be made.

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<sup>17</sup> [www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/using-evidence-to-improve-access-and-participation-outcomes/evidence-and-impact-exchange/](http://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/using-evidence-to-improve-access-and-participation-outcomes/evidence-and-impact-exchange/).

## **Monitoring fee levels**

86. Providers will be expected to submit their intended fee levels for qualifying courses to the OfS annually. This will be synchronised with financial information collected elsewhere in the OfS to minimise regulatory burden. The OfS will aim to align the data collection format with UCAS, HESA, ILR and the Student Loans Company (SLC) to avoid duplication, and use this data to monitor compliance.

## **Monitoring inputs and financial information**

87. We will collect financial information about a provider's expenditure on access activities through the financial returns submitted by providers as part of monitoring of the ongoing condition of registration on financial viability and sustainability (condition D). The investment in access and participation will be disclosed in the provider's audited financial statements. As part of a requirement for enhanced monitoring, we may collect a greater level of detail on inputs from those providers at increased risk of a future breach of ongoing condition A1.

## **Enhanced monitoring**

88. Enhanced monitoring may be used where there is an increased risk of a breach of condition A1. Where enhanced monitoring is considered necessary, it will vary between providers depending on the specific risk(s) identified. It may include (but not be limited to) requirements for:

- more detailed annual monitoring returns, including inputs such as activity levels and spend
- more frequent updates on progress to the OfS on all, or particular aspects of a provider's plan
- meetings between the Director for Fair Access and Participation and the provider's accountable officer to discuss the provider's strategy and progress against targets
- audits to better understand how access and participation activities are being financed, delivered and evaluated.

## **Specific ongoing conditions**

89. Where enhanced monitoring is not considered sufficient to mitigate an increased risk of a breach of condition A1, the OfS may impose one or more specific ongoing conditions. Specific ongoing conditions will be targeted to mitigate the specific risk that is posed.

90. Specific conditions will vary between providers but might, for example, focus on a particular stage of the student lifecycle or activity delivered within a plan. This might include specifying actions to be taken to ensure that the provider makes sufficient progress towards agreed targets.



## Questions

### 2a. How effective, if at all, would the proposed approach of annual impact reports and action plans be for...

	Not at all effective	Not very effective	Fairly effective	Very effective	Don't know/ prefer not to say
...Assessing a provider's progress compared to the sector as a whole?					
...Assessing a provider's progress compared to other institutions?					
...Improving a provider's strategy to improve access and participation?					
...Engaging students in the monitoring of access and participation?					
...Capturing good practice, and findings from evaluation?					

### 2b. To what extent do you agree or disagree that the submission of an action plan would make providers more accountable to their students, the OfS, and the public for their performance in access and participation?

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

### 2c. To what extent do you agree or disagree that the approach of a longer-cycle plan with annual impact reporting, and ongoing OfS monitoring, will reduce the level of burden for providers not at increased risk and apply greater scrutiny for providers at increased risk of a future breach of one or more conditions?

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

## Access and participation plan targets

Proposal 3: Providers will be expected to **include in their access and participation plans a set of strategic, outcomes-focused targets**. A small number of these will be recommended by the OfS for use across all providers, and providers will also continue to be able to set outcomes-focused targets related to their own contexts.

### Rationale

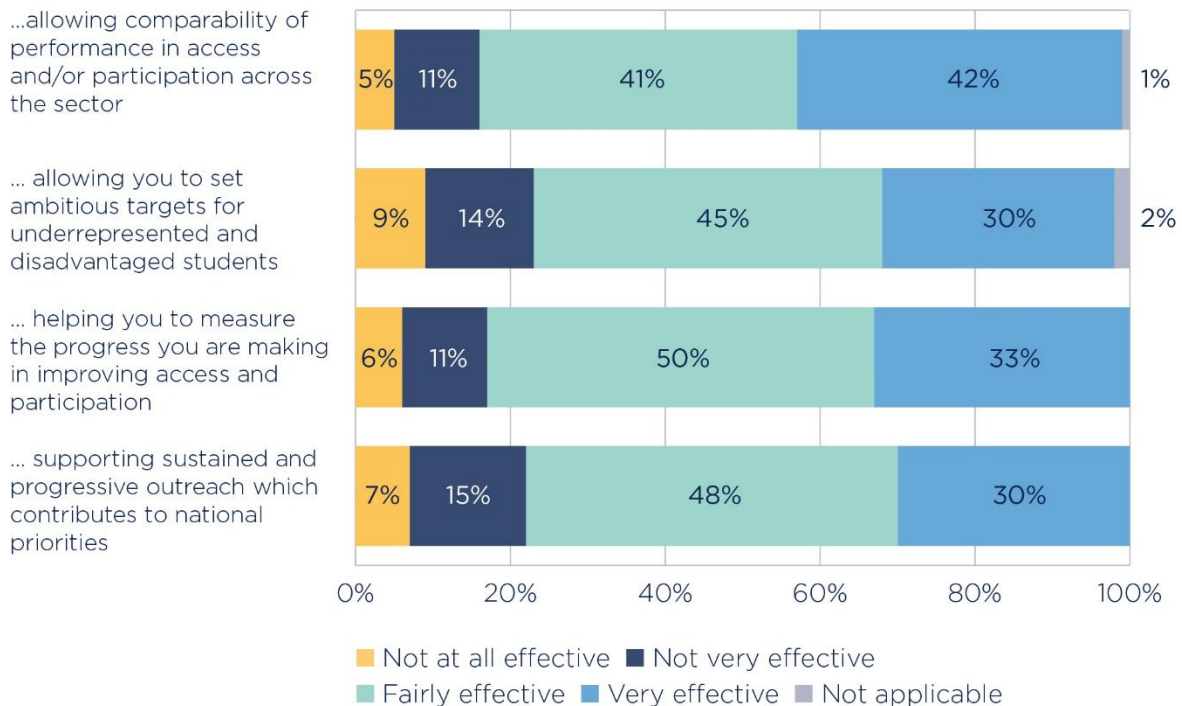
91. In their access and participation plans for 2019-20, we required providers to set stretching, clearly defined targets that reflect their ambitions and strategy, and that focus on the desired outcomes and impact of their programmes (see page 28 of Regulatory Notice 1 (OfS 2018.03) for more information<sup>18</sup>).
92. While targets are approved by the Director for Fair Access and Participation, providers have been responsible for setting their own targets and milestones, including the data used, and the precise levels of ambition they are aiming for. Therefore targets can vary considerably across different providers.
93. As a result it can be difficult to understand the progress providers are making and to understand each provider's contribution to the national picture. In the survey, nearly half of respondents felt that the current approach to targets was not effective at allowing comparability of performance in access or participation across the sector.
94. The OfS has a risk-based approach to regulation which will put more focus on outcomes of access and participation work. We therefore consider that clear, consistent, outcomes-focused targets that are comparable across the sector, will allow for greater rigour in our assessment of performance, and improve accountability. Over three-quarters of survey respondents felt that a common approach to targets would be effective at allowing comparability of performance, setting ambitious targets, helping to measure progress, and supporting sustained and progressive outreach.

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<sup>18</sup> [www.officeforstudents.org.uk/publications/regulatory-notice-1-guidance-on-access-and-participation-plans-for-2019-20/](http://www.officeforstudents.org.uk/publications/regulatory-notice-1-guidance-on-access-and-participation-plans-for-2019-20/).

**Figure 2: Survey respondents' feedback to the question 'If common targets were used, how effective would they be in...?'**

**If common targets were used, how effective would they be in....**



Source: Findings from the national OfS access and participation review survey conducted by CFE Research.

95. Discussion with students, through the OfS student panel and student focus group, indicated that they were supportive of a more standardised approach to targets. This proposal would allow students and student unions to compare providers, and help them to challenge providers on their targets and progress.
96. It is also vital that providers continue to deliver work that contributes to national priorities, such as raising attainment in schools and supporting care leavers. We want to ensure that our approach supports collaboration where it is in the interests of students and employers to do so. These activities may not be captured in individual provider data, so we must ensure that our approach to targets has the flexibility to capture different types of work and related outcomes.
97. Responses from the survey, workshops and student panel indicated that they want to see access measures more aligned with measures used in schools, and for success and progression measures to be more closely aligned with TEF, in order to ensure a more strategic whole provider approach.

98. We believe our proposed approach to targets will achieve the following:

- enable greater comparability and therefore accountability, both for students and the tax-payer
- reduce burden by providing clearer guidance on which datasets and measures to use, and for most providers, reduce the number of targets against which they must report
- give the OfS and the sector a greater understanding of the level of ambition providers have set, and how this will contribute to meeting sector-wide goals; this will allow for greater challenge where needed
- fewer targets will encourage a more strategic approach
- the simplification of targets will aid communication of progress to students and the public, and therefore increase public accountability
- ensure that targets are flexible enough to account for provider context and therefore can make the most of opportunities provided by the diversity of the sector for fair access and participation.

### Details of proposal

99. Providers will be expected to have a small number of outcomes-focused strategic targets that relate to their aims across access, student success and progression. Targets will be structured around aims identified by the OfS and those identified in the provider's APP. Figure 3 sets out our proposal for aims and targets.

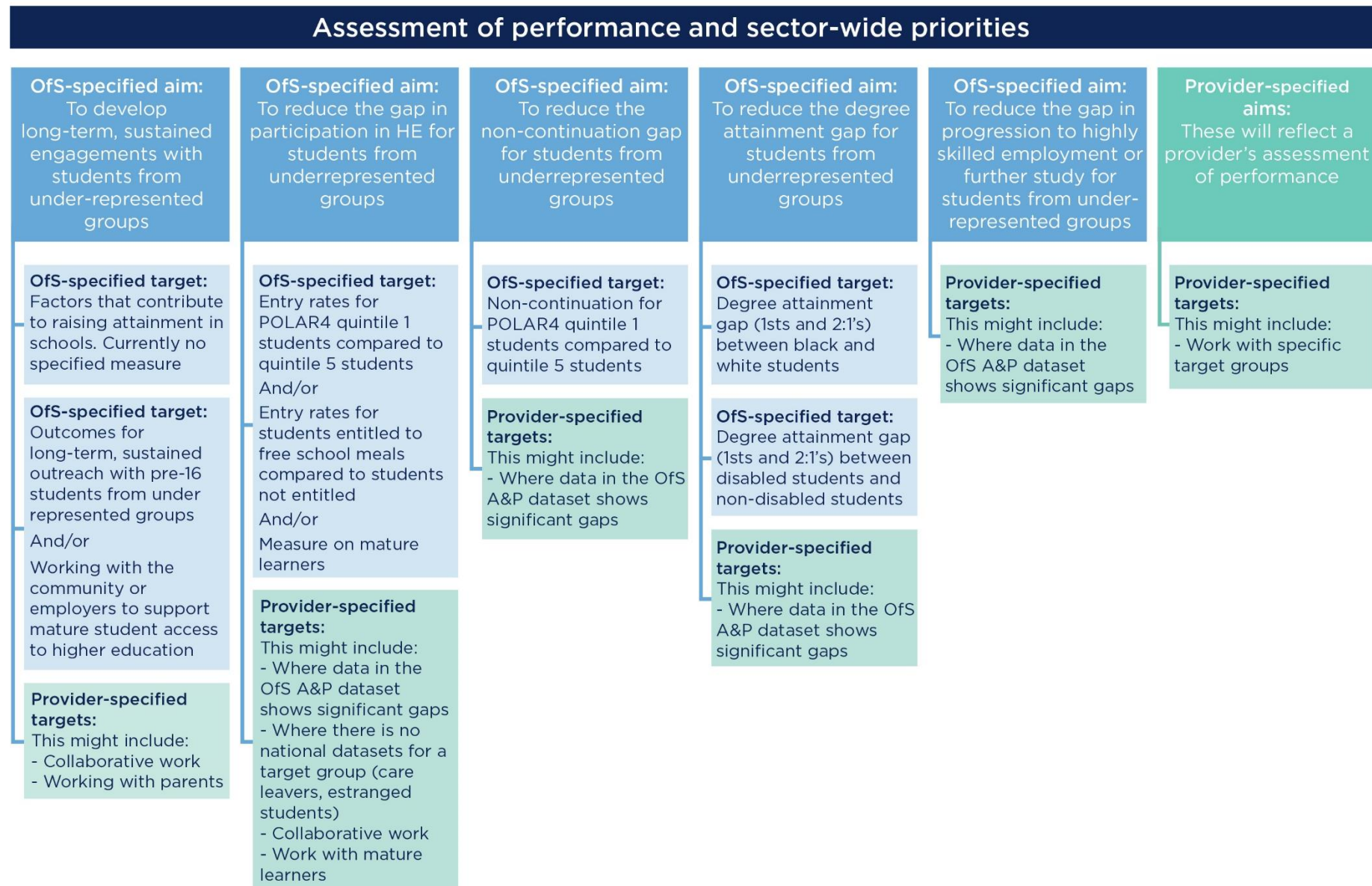
100. There will be four elements to targets:

- a. **OfS-specified aims:** aims identified by the OfS that contribute to national priorities for access and participation, that all providers will be expected to address within their APP.
- b. **OfS-specified targets:** targets where the measure is specified by the OfS to reflect national priorities for access and participation as detailed in the OfS-specified aims. The level of ambition will be set by the provider.
- c. **Provider-specified aims:** additional aims identified by providers that reflect their assessment of performance, context and strategy.
- d. **Provider-specified targets:** outcomes-focused targets set by providers to reflect the provider-specified aims. The measures will be selected by providers.

101. To support providers in setting targets and to improve transparency, the OfS will maintain a dataset of access, student success and progression data for underrepresented groups, disaggregated to provider level. The dataset will flag areas where there are concerns, and we will expect this to inform the selection of targets. We

will expect a provider's targets to align with these datasets wherever possible, to enable comparability and consistency. For a full list of the data that may be included in the dataset please see the 'Our approach to data' section of this document.

**Figure 3: Summary of proposal for access and participation plan targets**



## OfS-specified aims

102. The OfS-specified aims may include:

- to develop long-term, sustained engagements with students from underrepresented groups
- to reduce gaps in participation in higher education for students from underrepresented groups
- to reduce non-continuation gaps for students from underrepresented groups
- to reduce degree attainment gaps for students from underrepresented groups
- to reduce gaps in progression to highly skilled employment or further study for students from underrepresented groups.

## OfS-specified targets

103. The OfS will specify measures that we encourage providers to use when setting targets related to the OfS-specified aims above. We will expect all providers to set a target for each OfS-specified target, unless a provider's context makes a target unsuitable.

104. The OfS-specified targets may include:

- a. Entry rates for POLAR4 quintile 1 students compared to quintile 5 students, or an alternative measure using POLAR4 where appropriate, or mature student equivalent.
- b. Entry rates for students entitled to free school meals compared to students not entitled.
- c. Non-continuation for POLAR4 quintile 1 students compared to quintile 5 students.
- d. Degree attainment gap (firsts and 2:1s) between black and white students.
- e. Degree attainment gap (firsts and 2:1s) between disabled students and non-disabled students.
- f. At least one outcomes focused target to raise attainment in schools and colleges, however the OfS will not specify the measure. This means this target is flexible to reflect the nature of the work the provider delivers<sup>19</sup>.

105. The OfS will specify the reference population (e.g. full-time first degree) of the target.

## Provider-specified aims and targets

106. Providers may also outline a small number of well-defined aims that reflect their assessment of performance or strategic ambitions. Providers will set out the specific measures they will use to understand how their work contributes to their aims, and will set targets using these measures.

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<sup>19</sup> For further guidance on our current policy regarding raising attainment in schools, including different approaches to allow for provider context, see Regulatory Notice 1 (OfS 2018.03).

107. These targets should be designed to capture the outcomes of work that is not covered under the OfS specified targets, or national datasets (see 'underrepresented groups' in the glossary for more detail on what groups of students this may include). This might cover:
- work with younger age groups
  - collaborative work
  - where there are intersections of underrepresentation, such as white disadvantaged students
  - to address specific gaps in equality of opportunity individual providers have identified
  - work with specific target groups like care leavers or estranged students.
108. For frequently used provider-specified targets we will provide guidance on the measures providers may want to use where available to encourage a consistent approach across the sector and improve reporting. Detail relating to the inputs of activities may be included in the written text of the APP where appropriate.
109. As is the case with 2019-20 plans, we will form our own judgement of a provider's performance based on its data and assessment, together with our own analysis of nationally available data. We will challenge providers' assessments of performance, strategy and associated targets if they do not, in our view, address areas where we have identified concerns.

## **Setting targets**

110. Targets will continue to be set over five years with a baseline figure and include annual or interim milestones.
111. Providers will be responsible for setting the level of ambition of their targets, with plans subject to approval by the Director for Fair Access and Participation. We expect the ambitions providers identify to secure continuous improvement by reducing the gaps in access, success and progression for underrepresented groups. We expect the provider's ambition to be stretching, and the Director will not approve access and participation plans that are insufficiently ambitious.
112. For OfS-specified targets, where a provider has no gaps they may be able to maintain performance in this area instead of demonstrating continuous improvement.
113. We will form our own judgement of a provider's performance based on its data and assessment, together with our own analysis of nationally available data. We will challenge providers' assessments of performance, strategy and associated targets if they do not, in our view, address areas where we have identified concerns.



## Questions

3a. To what extent do you agree or disagree, that...					
	Strongly disagree	Tend to disagree	Tend to agree	Strongly agree	Don't know/ prefer not to say
...the stated OfS specified-aims are the national priority areas for access and participation?					
...the OfS should specify measures that we encourage providers to use when setting targets related to OfS-specified aims?					
...providers should also be able to set additional targets relative to their context?					
...the proposal allows for comparability of performance in access and participation across the sector?					
...the proposal allows for progress to improve access and participation to be measured?					

## Funding access and participation

114. Funding is an important part of our review of access and participation. The OfS Board will consider what changes OfS may need to make to its funding for access and participation in light of the government's review of post-18 education and funding and the outcomes of the spending review. We have not included proposals to set expectations with regard to APP investment, or funding provided by OfS, in this document because it will be contingent on the decisions the government will take as a result of the review.

Proposal 4: The OfS will **collect predicted access spend disaggregated by pre-16 activity, post-16 activity and work with adults and communities in access and participation plans**. We will also continue to **collect information on the financial support that providers give to students, and set expectations that this financial support is robustly evaluated, and communicated clearly to students**. We will no longer require providers to report on student success and progression spend.

## Rationale

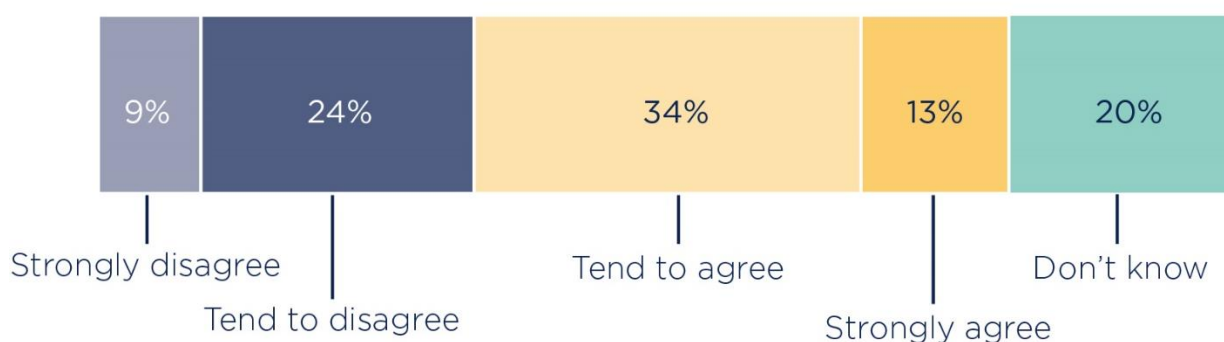
115. In previous years, providers have been required as part of their APP or access agreement to submit predicted expenditure on access, student success, progression and financial support over a five-year period. The OfS set an expected level of total spend and balance of spend, based on the providers' performance, which could be negotiated during the plan approval process. The amount spent was then reported as part of the annual monitoring process.

116. The OfS has the opportunity to join up the processes of financial reporting for access and participation with those required for other regulatory purposes. This gives greater assurances that the data requested is robust, and collected in a more consistent way. We will collect forecasts and actual expenditure in this way.
117. We will no longer ask providers to report their expenditure on the student success and progression lifecycle stages, as providers have told us these cannot easily and without high burden be separated from the provider’s core spend in a consistent way. The model we propose moves the focus on inputs to securing transparency for students and the taxpayer through clearly communicating the information we collect.
118. Feedback from the survey showed that 33 per cent of respondents felt the financial information returned during monitoring was not a true reflection of the money invested in fair access and participation (Figure 4).

**Figure 4: Survey respondents’ feedback to the question ‘To what extent do you agree that...the financial information reported in monitoring returns to the Office for Students is a true reflection of the money invested in fair access and participation?’**

To what extent do you agree that the financial information reported in monitoring returns to the Office for Students is a true reflection of the money invested in fair access and participation?

**Proportion of respondents (%)**



Source: Findings from the national OfS access and participation review survey conducted by CFE Research.

119. We believe that the pressure on targets for access, student success and progression, when coupled with other incentives and pressures such as TEF and longitudinal education outcomes (LEO) data, will ensure student success and progression is sufficiently resourced. Furthermore, students have an interest in understanding the level of financial support providers’ offer, therefore we plan to continue to collect information on expenditure on financial support.
120. In line with the regulatory framework, we want to ensure our approach is outcomes-focused, risk-based and minimises regulatory burden. Removing the requirement for providers to report in detail on student success and progression spend will reduce the burden on providers.
121. The OfS has a role to play in applying pressure to providers to deliver and sustain long-term outreach programmes, both with pre-16 learners and with adults and communities.

Therefore we will continue to require information about access spend. By requiring access spend to be broken down by pre-16, post-16 and work with adults and communities, the OfS will have greater oversight of how much is being invested in these areas, and by whom.

## **Detail of proposal**

### **Access and financial support spend**

122. Providers will submit a forecast of their expenditure on access, financial support, and research and evaluation for underrepresented groups as part of their APP.
123. We will collect all other financial information about a provider's spend through the financial returns submitted by providers as part of monitoring of compliance with condition D, with disclosure of these amounts in the audited financial statements and financial tables.
124. Providers will disaggregate their access spend by:
  - pre-16
  - post-16
  - work with adults and communities.
125. The OfS will publish good practice guidance in relation to targeting and evaluating investment. We will continue to set an expectation that financial support for students is robustly evaluated, and communicated clearly to students. This is in addition to our higher expectations around evaluation and evidence more generally.
126. The OfS will not collect financial information on student success and progression spending, as it cannot be robustly disaggregated from wider spend. This will continue to be a leading area of interest in relation to performance and targets. Providers will be expected to set ambitious targets and detail the work they will be doing to address inequality in student success and progress within their APPs.

### **Expectations on level of spend**

127. As the OfS takes a more outcomes-focused approach to regulation, we want to move our attention away from inputs. Therefore we are considering whether we need to continue to set a minimum expectation of level of spend in order to secure a sufficient level of activity in area, or whether our strong focus on targets and outcomes will be enough to drive the change we want to see.
128. Our assessment of risk in relation to access and participation is informed in part by the credibility of a provider's plan. This means that even if we did not set a minimum expectation of spend, we will consider whether the level of spend submitted would deliver a credible plan, and this may influence our assessment of a provider's risk of a future breach of condition A1.
129. The OfS may impose enhanced monitoring or specific ongoing conditions of registration where it considers a provider to be at increased risk of a future breach of one or more conditions, or the Director for Fair Access and Participation may not approve a plan where he does not consider the plan meets our requirements.

130. Our decision over whether to set a minimum expectation on level of spend will be influenced by the outcomes of the government's review of post-18 education and funding.

### **National Collaborative Outreach Programme (NCOP)**

131. The National Collaborative Outreach Programme (NCOP) plays an important role in supporting collaboration across providers, and complements the outreach activity delivered by individual providers through access and participation plans.

132. The NCOP aims to rapidly increase the number of young people from underrepresented groups who go into higher education and in doing so contribute to the government's ambition to increase social mobility.

133. The programme brings together 29 consortia of universities, colleges, schools and other local agencies to deliver sustained and progressive programmes of higher education outreach with young people in Years 9 to 13. Their work is focused on geographic areas in England where higher education participation is low overall and lower than expected given local GCSE results. During 2017, NCOP consortia engaged 53,000 learners as part of a sustained and progressive programme of higher education outreach.

134. An evaluation of the first 12 months was published in March 2018. This found that: 'a key impact of the programme to date is the enhanced collaboration between diverse partners and the benefits this brings. Collaboration across a range of partners helps to enhance expertise, generate fresh ideas and ensure a varied offer of experiences and opportunities for learners.'

135. The NCOP was established as a four-year programme commencing in January 2017 with a break point midway to review continued funding. Programme funding of £60 million per annum was provided in both 2017-18 and 2018-19.

136. The OfS Board will review the future funding of NCOP in the autumn within which it will consider:

- evidence from the formative and impact evaluation of the programme
- information submitted to OfS by the NCOP consortia through their monitoring returns
- how the NCOP aligns with other priorities (such as Opportunity Areas, careers advice, and apprenticeships)
- how it adds value to the outreach delivered by individual providers.

### **OfS student premiums**

137. The OfS currently allocates three student premiums to higher education providers, which at its meeting in March 2018, the OfS Board agreed to continue to provide:

- the full-time student premium – £165 million in 2018-19
- the part-time student premium – £72 million in 2018-19
- the disabled students' premium – £40 million in 2018-19.

138. The student premiums are allocated to individual providers according to the number of students they have with particular characteristics. The OfS does not specify how the funding should be used. The purpose of the premiums has historically been to recognise that those students from groups which have traditionally been underrepresented in higher education are often at greater risk of either withdrawing early from their studies or not achieving successful outcomes. The premiums enable providers to better support their students and develop their provision to be more inclusive of the needs of a more diverse student body.
139. Our future funding approach is contingent on the outcomes of the ongoing government review of post-18 education and funding. There will need to be sufficient flexibility built into our funding methods to respond to new or additional priorities in the future and to other external factors. We will undertake a review of our funding for access and participation once the outcomes of the government’s review are published.
140. We propose that our approach to funding and investment in access and participation will be underpinned by the following principles:
- a. The funding we deliver should link directly to the outcomes we wish to achieve.
  - b. Our decisions in respect of how we use our funding are made by having regard to our general duties.
  - c. Our funding should be focused and targeted.
  - d. Our funding should add value to the investment that providers make to support successful outcomes for students from underrepresented groups, and should support activity that otherwise would not take place.
  - e. Our funding should support activity that delivers sector-wide benefits for students and addresses access and participation objectives which might not be delivered by the market alone.
  - f. Our deployment of funds should be evidence-led.
  - g. The impact and effectiveness of our funds should be evidenced to a level consistent with HM Treasury guidance<sup>20</sup>.

## Questions

4a. To what extent do you agree or disagree with the proposal to collect and publish, in a transparent way, access investment?				
Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

<sup>20</sup> See <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government>.

4b.To what extent do you agree or disagree with the proposal to disaggregate access spend by post-16, pre-16 and work with adults and communities?				
Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

4c.To what extent do you agree or disagree that a strong focus on targets and outcomes alone, creates enough pressure to secure sufficient funding in access and participation to achieve change, without an expectation of spend?				
Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

4d. To what extent do you agree or disagree with the principles in paragraph 140 which we propose should underpin our approach to funding and investment in access and participation?				
Tend to disagree	Strongly disagree	Don't know/ prefer not to say	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

## Evaluation

Proposal 5: Providers will need to complete a **self-assessment of their evaluation activities against a set of criteria**, as part of their APP. The core purpose of the tool will be to identify and support continuous improvement in evaluation.

### Rationale

141. With significant sums of money being invested through APPs it is vital that we make sure that money is being spent strategically for the maximum possible benefit. Using evidence to inform investment decisions means that activities and ways of working can be strategically directed at what is most effective in a provider's own context. Some providers use rigorous and compelling evidence to understand the impact of their interventions, and show continuous improvement to practice. But many other providers are currently not evaluating as effectively as we would like.
142. Evaluation is currently assessed through the APP process using criteria developed internally by evaluation experts. Providers' plans are rated according to the information described in the evaluation section of the plans. The current approach provides some challenge to providers while enabling a sector view. However, there is limited detail available to base decisions on, and the process could possibly be improved.
143. An evidence and impact strategy for access and participation is being developed that seeks to raise expectations, enhance capabilities and nurture innovation. As part of this we will be

looking to measure the percentage of APPs that contain robust evaluation methods focused on impact and leading to improved practice. This measure is based on an internal assessment of providers' evaluation activities assessed against a set of criteria.

144. Self-assessment tools have been well established and evidenced as mechanisms to drive organisations' continuous improvement in a number of mainstream areas, including Total Quality Management (e.g. the excellence framework for quality management tool, EFQM), Investors in People, and a Quality Initiative in Scottish Schools. Self-assessment tools can also provide clear frameworks enabling users to assess the development of their work and identify development opportunities. They also enable a more transparent and consistent approach to measuring progress.
145. In addition to the self-assessment tool, we are creating an independent Evidence and Impact Exchange to facilitate greater understanding about how higher education contributes to social justice and mobility. As part of our work to drive continuous improvements in planning and evaluation, from 2020-21, APPs will also include a logic model setting out each provider's APP in the form of a diagram, linking a provider's aims (ambitions and strategy) with desired outcomes (targets) and the associated inputs (access, student success and progression measures) . The OfS will provide further guidance on creating a logic model, and seek to provide an easy-to-use template for providers.

## **Detail of proposals**

### **Requirement for providers to complete an evaluation self-assessment in their APPs**

146. We have commissioned the University of Exeter to pilot a set of standards for evaluation practice and develop standards for what compelling evidence for outreach evaluation looks like. Linked to these standards will be a self-assessment tool which has been designed to help providers to review whether their evaluation plans and methodologies go far enough to generate high-quality evidence about the impact of their activities in APPs. The tool is designed to help providers identify where efforts might be focused in future to improve the strength and quality of the evaluation plans. The main objectives for introducing a self-assessment tool are to:
- enable providers to identify areas for improvement and benchmark their performance against an approved framework over time
  - consider the types of standards of evidence generated as well as the extent to which providers represent stronger or weaker practices of evaluation design, implementation and learning
  - reflect the different expectations on some types of providers, such as small specialist institutions and further education colleges
  - enable APP assessors to identify where and how to target and support providers through interventions, for example further guidance and training or implementing enhanced monitoring
  - contribute to a new OfS key performance measure relating to the quality level of providers' evaluation strategies.

147. The evaluation self-assessment will be designed for use by all types of provider, and will take account of contextual factors such as size and capacity. The core purpose of the tool will be to identify and support continuous improvement in evaluation. We propose that the evaluation self-assessment becomes a requirement in the APP guidance and that all providers should complete the assessment as part of their submitted plan.

**Research into the use of tracking services to support evaluation of access and participation activities**

148. Higher education tracking services help higher education providers in England track students that have taken part in outreach activities in schools and colleges, through to their achievement in higher education. Several different services are available, often built on collaborative models which offer economies of scale by providing access to data, analysis and research to support targeting, monitoring and evaluation of outreach activities.

149. We encourage the use of tracking to supplement other methods of evaluation and, taking into account our learning from NCOP to date, we may want to consider increasing our expectations in this area. We plan to undertake research to better understand tracking services in order to support improvements in the services provided and how they are being used to support robust evaluation. The proposed research would cover:

- a review of current tracking services, including a value for money assessment
- an assessment of the potential role for longitudinal tracking in supporting OfS strategic objectives
- an identification of opportunities and challenges for building infrastructure
- an identification of effective evaluation practice through more effective use of tracking at provider level.

**Questions**

<b>5a. To what extent do you agree or disagree that an evaluation self-assessment tool will contribute to improvements in evaluation practice?</b>				
Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

<b>5b. What support do you think the OfS could provide to enable more effective use of tracking services? (max 300 words)</b>



## Our approach to data: transparency information condition and an access and participation dataset

### Transparency information condition

Proposal 6: The OfS will undertake further work to explore whether it should require providers to **submit and publish transparency data by age and disability**. This is in addition to data split by gender, ethnicity and socioeconomic background which is part of the transparency information condition (F1) in the OfS's regulatory framework.

### Rationale

150. The transparency information condition in its present form requires providers to split their applicant, offer, acceptance, completion and attainment data by gender, ethnicity and socioeconomic background. The first set of transparency information data will need to be submitted to the OfS and published by providers in August 2019. This will be the only year in which there will be an August submission and publication. Thereafter, transparency information data will be submitted to the OfS and published by providers in April of each year. Full details of what providers need to do to comply with condition F1 is provided in Regulatory Advice 8<sup>21</sup>.
151. We propose undertaking further work to explore extending the condition so that the information is also split by age and disability. This will not affect the information that providers will need to submit to OfS and publish in August 2019.
152. One of the OfS's priorities is to focus on reversing the decline in mature students entering higher education (that is those students entering higher education who are over 21 years of age). It is hard to gather data about mature students in higher education however, because a large proportion of them study part-time and so are direct applicants to individual higher education providers, and are not reflected in UCAS data. The data provided through the transparency information condition would enable us to get a clearer picture of how applications, offers, acceptances, completions and attainment differ across different age ranges.
153. Similarly, access to and success within higher education for disabled students is a priority for the OfS and once again, the data provided through the transparency information condition would enable us to understand how applications, offers, acceptances, completions and attainment differ for this students who declare a disability and those that do not.

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<sup>21</sup> [www.officeforstudents.org.uk/publications/regulatory-advice-8-guidance-for-providers-about-condition-of-registration-f1-transparency-information/](http://www.officeforstudents.org.uk/publications/regulatory-advice-8-guidance-for-providers-about-condition-of-registration-f1-transparency-information/).

## Detail of proposal

154. With regard to age, we would propose that we should undertake further work to include it as a characteristic of the transparency information condition, the data would be split according to the following age ranges:

- Under 21
- 21-30
- Over 30.

155. With regard to applications, offers and acceptances, providers would need to record the age at application. For the remaining data regarding entry, completion and attainment, providers would use the age at entry.

156. With regard to disabled students, we would propose the following categories:

- a. Students who have declared a disability and are in receipt of Disabled Students' Allowance.
- b. Students who have declared a disability but are not in receipt of Disabled Students' Allowance.
- c. Students who have not declared a disability.

## Questions

**6a. To what extent do you agree or disagree that OfS should undertake further work to explore whether data split by age could be included within the transparency information condition?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
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Please provide a brief explanation for your response (Max 300 words)

**6b. To what extent do you agree or disagree that OfS should undertake further work to explore whether data split by disability status should be included within the transparency information condition?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
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Please provide a brief explanation for your response (Max 300 words)

## Creating and maintaining an access and participation dataset

Proposal 7: The OfS will create, publish and maintain an **access and participation dataset** that provides a picture of access and participation across the higher education sector and at individual providers.

### Rationale

157. There is a huge variety of data available across the sector which provides insight into the challenges facing fair access and participation. This can be difficult to navigate, especially for some providers that may not have the capacity or expertise to interrogate data, and for students and members of the public. Stakeholders, and providers at the workshops also expressed these concerns.
158. We believe OfS has a duty to improve the transparency and accessibility of the data currently available both for those within providers, and those outside that may wish to understand more about access and participation. The access and participation dataset will achieve this by pulling useful data from a number of different sources together, and displaying it in easy-to-understand formats.
159. The students we met with through the OfS student panel, NUS and student focus group were very supportive of the proposed database. Students from the focus group said it would ‘empower’ them to challenge their providers.
160. As discussed in the ‘Access and participation plan targets’ section, providers use a variety of different measures when setting APP targets. This can make it difficult to understand providers’ progress, challenge levels of ambition, and hold them to account. The introduction of OfS-specified aims and measures, and a publicly available dataset, will help us to regulate providers more effectively.
161. In the workshops, providers felt the creation of this database would support them in producing meaningful targets. Providers wanted to see the dataset aligned with TEF and transparency information wherever possible, and for measures to complement those used in schools.
162. We believe the creation of an access and participation dataset will achieve the following:
- drive up outcomes by enabling greater comparability and therefore accountability, both for students and the taxpayer
  - reduce burden by collating measures of access and participation in one place, in an accessible format
  - ensure OfS and providers are using the same data for assessing performance.

### Detail of proposal

163. The OfS will create, publish and maintain an access and participation dataset. This will provide a sector-level picture of the challenges in access and participation across the student

lifecycle, and also at provider level. In addition it will provide clarity on how we assess performance across the lifecycle. This dataset will be published on the OfS website.

164. The measures included will be aligned with TEF metrics and condition B3<sup>22</sup> indicators where possible, and will align with the targets providers will be setting using OfS-specified measures. However, where TEF looks at three-year aggregated data and benchmarking, access and participation data is concerned with absolute gaps and changes over time and therefore data will not be aggregated.

165. The dataset will consist of a dashboard of data in the form of graphs, and access to additional supporting data.

166. The main dashboard will cover the following stages of the student lifecycle:

- access – profile of higher education entrants
- continuation – continuation in year following entry
- attainment – percentage awarded first or 2:1
- progression – highly skilled employment or further study at level higher than qualification obtained.

167. For each stage of the student lifecycle, the main dashboard will show the gaps in access and participation for the following groups:

- POLAR4 – gap between quintile 1 and quintile 5 students
- ethnicity – gap between white and black, Asian and minority ethnicity students
- age – gap between young and mature students
- disability – gap between disabled and non-disabled students.

168. In addition to the dashboard, there will be a larger dataset that users can explore. Details of the data this dashboard may include are detailed in Annex B.

## Questions

<b>7a. To what extent do you agree or disagree that OfS should create and maintain an access and participation dataset, as proposed above?</b>				
Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

<sup>22</sup> Condition B3 of the regulatory framework; the provider must deliver successful outcomes for all of its students, which are recognised and valued by employers and/or enable further study. For more information see [www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/](http://www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/).

**7b. To what extent do you agree or disagree that the proposed datasets would hold providers to account on their performance against targets?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
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Please provide a brief explanation for your response (max 300 words)

**7c. Are there any measures you feel are missing from the dataset? (max 300 words)**

# Abbreviations

<b>APP</b>	Access and Participation Plan
<b>DfE</b>	Department for Education
<b>EHRC</b>	Equality and Human Rights Commission
<b>HEAT</b>	Higher Education Access Tracker
<b>HERA</b>	Higher Education and Research Act 2017
<b>ILR</b>	Individualised Learner Record
<b>LEO</b>	Longitudinal education outcomes (see glossary)
<b>NCOP</b>	National Collaborative Outreach Programme
<b>NUS</b>	National Union of Students
<b>OfS</b>	Office for Students
<b>OFFA</b>	Office for Fair Access
<b>ONS</b>	Office for National Statistics
<b>POLAR</b>	Participation of Local Areas (see glossary)
<b>R&amp;D</b>	Research and Development
<b>SLC</b>	Student Loans Company
<b>TEF</b>	Teaching Excellence and Student Outcomes Framework
<b>UUK</b>	Universities UK

# Glossary

## Access

Access into higher education.

### **Access and participation plan (previously known as an access agreement)**

An access and participation plan sets out how a provider will sustain or improve access, student success, and progression to employment for students from disadvantaged and underrepresented groups in higher education. This is a requirement for providers in the 'approved (fee cap)' category of registration.

### **Access and participation statement**

A statement published by a provider that sets out their commitment to access and participation in higher education. This is a requirement for providers in the 'approved' category of registration.

### **Approved (fee cap) registration category**

A category of registration whereby providers can access direct grant funding and charge above the basic fee. Providers registered in this category must have an approved access and participation plan. More information can be found at [www.officeforstudents.org.uk/advice-and-guidance/regulation/what-can-registered-providers-do/](http://www.officeforstudents.org.uk/advice-and-guidance/regulation/what-can-registered-providers-do/).

### **Condition of registration**

'Conditions', and 'registration conditions' are general terms used to mean all types of condition that a provider must meet and demonstrate in order to be registered by the OfS. They include 'initial registration conditions' which are the conditions a provider must demonstrate it has met as part of its initial application to join the OfS Register and on a continuous basis thereafter, 'general ongoing registration conditions' which are those that a provider must meet once they have joined the register in order to maintain their registered status, and 'specific ongoing registration conditions' which are additional conditions imposed by the OfS to mitigate or manage specific risks or weaknesses identified.

## Data

Facts and figures, both quantitative and qualitative, which can be collected, processed and analysed in order to generate additional information. References to 'information' can be taken to include 'data' as one source of information.

### **Degree apprenticeship**

An apprenticeship is a full-time job where an employee undertakes off-the-job training paid for by the employer. A degree apprenticeship is an apprenticeship where the employee is studying towards an undergraduate or postgraduate degree as part of their apprenticeship.

## **Director for Fair Access and Participation**

The Director for Fair Access and Participation plays a crucial role in ensuring that universities and colleges are doing all they can to support underrepresented groups to access and succeed in higher education. The Director is responsible for approving APPs. The Director is an executive member of the OfS Board.

## **Enhanced monitoring**

The OfS may require additional data or information from a provider, or may need to investigate a specific concern where a provider is at risk of breaching its ongoing conditions.

## **Equality of opportunity**

Ensuring those from underrepresented groups have the same opportunities to participate and succeed in higher education as their peers.

## **Evidence and Impact Exchange**

A 'What Works Centre' to promote access, success and progression for underrepresented groups of students. From next year it will collate existing research, identify gaps in current evidence and generate its own research to fill those gaps, and disseminate accessible advice and guidance to decision makers and practitioners across the higher education sector.

## **Further education**

Any study after secondary education that is not part of higher education (that is, not taken as part of an undergraduate or graduate degree).

## **Higher education provider**

A higher education provider (or provider) is an organisation that delivers higher education, as defined in Schedule 6 of the Education Reform Act 1988. A provider can be an awarding body or deliver higher education on behalf of another awarding body. The term encompasses current publicly funded higher education institutions, further education colleges and alternative providers. Unless stated otherwise, in this document 'provider' or 'higher education provider' refers to a registered higher education provider, as defined in section 83 in HERA.

## **Logic model**

A planning, implementation, and evaluation tool usually presented in a diagram format. The diagram links inputs such as resource, with outputs such as number of activities, and the associated short, medium and longer term outcomes. Also known as a logic framework, and is related to a theory of change.

## **Longitudinal education outcomes (LEO) data**

Employment and earnings outcomes of higher education graduates broken down by subject studied and graduate characteristics.



## **National Collaborative Outreach Programme**

A targeted outreach programme funded by the OfS. The programme aims to rapidly increase the number of young people from underrepresented groups who go into higher education. The NCOP brings together 29 partnerships of universities, colleges, schools and other local agencies to deliver sustained and progressive programmes of higher education outreach with young people in Years 9 to 13.

### **Outcome**

The result of an activity or input which is measuring impact and related to level of performance against the activity objective.

### **POLAR4**

The participation of local areas (POLAR) classification looks at how likely young people are to participate in HE across the UK and shows how this varies by area. POLAR4 uses data for young people that entered higher education between the academic years 2009-10 and 2014-15 (aged either 18 or 19).

### **Progression**

Progression to employment or further study following the completion of a higher education course.

### **‘Reducing the gaps’**

Reducing the participation and achievement gaps between students who are underrepresented in higher education and their peers with the aim of reaching equality of opportunity. Also known as ‘closing the gap’.

### **Registration**

The process by which a provider applies for to be on the OfS Register of approved higher education providers.

### **Regulatory framework**

A document detailing the OfS requirements for a provider to register. See [www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/](http://www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/).

### **Socioeconomic status**

An abstract concept about a person or household’s social and economic standing in society. Measures of socioeconomic status include household income, occupation or level of education for example.

### **Student success**

For the purposes of access and participation regulation, this term is related to the non-continuation rates and degree attainment of students at higher education providers.

### **Teaching Excellence and Student Outcomes Framework (TEF)**

A scheme for recognising excellent teaching, in addition to existing national quality requirements for providers. It provides information to help prospective students choose where to study.

### **Tracking system**

A database used for evaluation which longitudinally tracks participants who have taken part in access and participation activity.

### **Underrepresented groups**

This term includes all groups of potential or current students where we can identify gaps in equality of opportunity in different parts of the student lifecycle.

## Annex A: Provisional timetable

September to October 2018	Consultation opens 7 September 2018  Consultation closes 12 October 2018  Consultation events will take place in: <ul style="list-style-type: none"><li>• London – 10 September 2018</li><li>• Birmingham – 11 September 2018</li><li>• Leeds – 12 September 2018</li><li>• Bristol – 17 September 2018</li><li>• London – 19 September 2018</li></ul>
October to November 2018	Analysis of consultation responses
Late November 2018	OfS response and initial outcomes agreed by OfS board published
December	Publication of OfS response to consultation

## Annex B: Access and participation dataset

For each stage of the student lifecycle, the main dashboard will show the gaps in access and participation for the following groups:

- POLAR4 – gap between quintile 1 and quintile 5 students
- ethnicity – gap between white and black, Asian and minority ethnicity students
- age – gap between young and mature students
- disability – gap between disabled and non-disabled students.

In addition to the main access and participation dashboard, there will be a larger dataset that users can explore. This may include the gaps related to:

- POLAR4 quintiles
  - gap between quintile 1 and quintile 5 students
  - gaps between all quintiles
  - gap between quintiles 1 and 2 and quintiles 3, 4 and 5
- ethnicity
  - gap between white and black students
  - gaps between all individual groups
  - gap between white and black, Asian and minority ethnicity students
- disability
- age
  - gap between mature and young students
- Free School Meals (FSM) eligibility
- indices of multiple deprivation
  - gaps between all quintiles
  - gap between quintiles 1 and 2 and quintiles 3, 4 and 5
- Indices of multiple deprivation interacted with ethnicity
- Gender interacted with POLAR4
- Multiple Equalities Measure (MEM) (when available).

## Annex C: Consultation proposals and questions

If you would like to respond to this consultation, please do so by **noon on Friday 12 October 2018** using the online response form available at <https://survey.officeforstudents.org.uk/s/accessparticipation/>. We are unable to consider responses submitted after this deadline.

Proposal 1: The OfS will place the approval of access and participation plans onto a more strategic timescale, with the **number of years during which a plan may be in force to be based on risk**. Plans should continue to demonstrate clear long-term ambitions for how providers will achieve significant reductions in the gaps in access, success and progression over the next five years. We will review progress against plans each year. Providers at increased risk of a future breach of condition A1 will normally be expected to submit plans every three years. Providers considered not at increased risk of a future breach of condition A1 will be expected to submit their plans every five years. Where we have serious concerns about a future breach, we may expect more frequent resubmission.

### 1. To what extent do you agree or disagree with the proposal that plans should normally remain in place for a period of at least three years, rather than annually as at present?

Strongly disagree	Tend to disagree	Tend to agree	Strongly agree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

Proposal 2: Providers will be required to **publish and submit to the OfS an impact report each year**. Financial information previously collected in our annual access and participation monitoring process will be submitted as part of wider OfS financial reporting processes.

### 2a. How effective, if at all, would the proposed approach of annual impact reports and action plans be for...

	Not at all effective	Not very effective	Fairly effective	Very effective	Don't know/ prefer not to say
...Assessing a provider's progress compared to the sector as a whole?					
...Assessing a provider's progress compared to other institutions?					
...Improving a provider's strategy to improve access and participation?					

...Engaging students in the monitoring of access and participation?					
...Capturing good practice, and findings from evaluation?					

**2b. To what extent do you agree or disagree that the submission of an action plan would make providers more accountable to their students, the OfS, and the public for their performance in access and participation?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

**2c. To what extent do you agree or disagree that the approach of a longer-cycle plan with annual impact reporting, and ongoing OfS monitoring, will reduce the level of burden for low risk providers and apply greater scrutiny for providers at increased risk of a future breach of one or more conditions?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

Proposal 3: Providers will be expected to **include in their access and participation plans a set of strategic, outcomes-focused targets**. A small number of these will be recommended by the OfS for use across all providers, and providers will also continue to be able to set outcomes-focused targets related to their own contexts.

**3a. To what extent do you agree or disagree, that...**

	Strongly disagree	Tend to disagree	Tend to agree	Strongly agree	Don't know/ prefer not to say
...the stated OfS specified-aims are the national priority areas for access and participation?					
...the OfS should specify measures that we encourage providers to use when setting targets related to OfS-specified aims?					

...providers should also be able to set additional targets relative to their context?					
...the proposal allows for comparability of performance in access and participation across the sector?					
...the proposal allows for progress to improve access and participation to be measured?					

Proposal 4. The OfS will **collect predicted access spend disaggregated by pre-16 activity, post-16 activity and work with adults and communities in access and participation plans**. We will also continue to **collect information on the financial support that providers give to students, and set expectations that this financial support is robustly evaluated, and communicated clearly to students**. We will no longer require providers to report on student success and progression spend.

**4a. To what extent do you agree or disagree with the proposal to collect and publish, in a transparent way, access investment?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
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Please provide a brief explanation for your response (max 300 words)

**4b. To what extent do you agree or disagree with the proposal to disaggregate access spend by post-16, pre-16 and work with adults and communities?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
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Please provide a brief explanation for your response (max 300 words)

**4c. To what extent do you agree or disagree that a strong focus on targets and outcomes alone, creates enough pressure to secure sufficient funding in access and participation to achieve change, without an expectation of spend?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
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Please provide a brief explanation for your response (max 300 words)

**4d. To what extent do you agree or disagree with the principles in paragraph 140 which we propose should underpin our approach to funding and investment in access and participation?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
----------------	---------------	------------------	-------------------	----------------------------------

Please provide a brief explanation for your response (max 300 words)

Proposal 5: Providers will need to complete a **self-assessment of their evaluation activities against a set of criteria**, as part of their APP. The core purpose of the tool will be to identify and support continuous improvement in evaluation.

**5a. To what extent do you agree or disagree that an evaluation self-assessment tool will contribute to improvements in evaluation practice?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
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Please provide a brief explanation for your response (max 300 words)

**5b. What support do you think the OfS could provide to enable more effective use of tracking services? (max 300 words)**

Proposal 6: The OfS will undertake further work to explore if it should require providers to **submit and publish transparency data by age and disability**. This is in addition to data split by gender, ethnicity and socioeconomic background which is part of the transparency information condition (F1) in the current OfS regulatory framework.

**6a. To what extent do you agree or disagree that OfS should undertake further work to explore whether data split by age could be included within the transparency information condition?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
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Please provide a brief explanation for your response (max 300 words)



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**6b. To what extent do you agree or disagree that OfS should undertake further work to explore whether data split by disability status should be included within the transparency information condition?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

Proposal 7: The OfS will create, publish and maintain an **access and participation dataset** that provides a picture of access and participation across the higher education sector and at individual providers.

**7a. To what extent do you agree or disagree that OfS should create and maintain an access and participation dataset?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

**7b. To what extent do you agree or disagree that the proposed datasets would support you to hold providers to account on their performance against targets?**

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know/ prefer not to say
Please provide a brief explanation for your response (max 300 words)				

**7c. Are there any measures you feel are missing from the dataset? (max 300 words)**

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