

Office for  
Students



# Regulatory notice 1

## Access and participation plan guidance

**Reference** OfS 2019.05

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# Contents

<b>Introduction</b>	<b>3</b>
<b>Part A: About access and participation plans</b>	<b>3</b>
Who needs an access and participation plan?	4
Which courses and study do access and participation plans cover?	4
Basic and maximum fee levels	5
<b>Part B: Submission, assessment and monitoring process</b>	<b>6</b>
When to submit an access and participation plan	6
Prioritisation of assessments of action and participation plans	6
How to submit an access and participation plan	6
The OfS assessment process	7
Publication of plans by providers	10
What happens if a provider's access and participation plan is not approved?	11
The duration of access and participation plans	12
Requesting a variation to an access and participation plan	12
Monitoring progress against access and participation plans	13
<b>Part C: Contents of the access and participation plan</b>	<b>16</b>
What the access and participation plan should look like	18
What the access and participation plan should contain	18
National key performance measures.....	19
Assessment of performance .....	20
Strategic aims, objectives and targets.....	23
Strategic measures: providers' approach to delivery of strategic aims and objectives .....	26
Investment .....	35
Provision of information to students .....	37
Supporting documents .....	38
<b>Annex A: Extract from The Higher Education (Access and Participation Plans) (England) Regulations 2018</b>	<b>40</b>
<b>Annex B: Guidance on completing your targets and investments plan</b>	<b>42</b>
<b>Annex C: Guidance on completing the fee information document</b>	<b>48</b>

**This version of Regulatory notice 1 replaces the version published on 28 February 2018 (OfS 2018.03). This new version applies in respect of applications for the approval of access and participation plans (and related matters) for the academic year commencing 2020-21 until it is revoked, varied or replaced.**

## Introduction

1. This regulatory notice sets out guidance for higher education providers in England on the preparation of an access and participation plan for consideration by the Director for Fair Access and Participation. It will allow providers to understand what they need to include in their access and participation plan, how to submit it for consideration, and what happens after that.
2. The guidance is issued by the Director for Fair Access and Participation, on behalf of the Office for Students (OfS), under section 29 of the Higher Education and Research Act 2017 (HERA).

## Part A: About access and participation plans

3. Access and participation plans set out how higher education providers will improve equality of opportunity for underrepresented groups to access, succeed in and progress from higher education. They include the provider's ambition for change, the targets it has set, the measures it will put in place to achieve that change, and the investment it will make to deliver the plan.
4. After extensive consultation, the OfS has set out bold ambitions in relation to access and participation. These are articulated through the adoption of key performance measures and national targets focused on eradicating the gaps in access, success and progression for underrepresented groups. They are underpinned by: reforms to individual provider regulation through access and participation plans; sector regulation through activities to support and promote effective practice; and financial investment through dedicated OfS access and participation funding.
5. The reforms to access and participation plans are designed to place them on a more strategic footing. They now require providers to set their ambitions and strategy for access and participation over a five-year time frame and, as part of that, to set stretching, outcomes-based targets focused on the gaps providers identify in their assessment of performance.
6. Providers are encouraged to access further information on the OfS's new approach to access and participation and its key performance measures through the OfS website<sup>1</sup>.

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<sup>1</sup> See [www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/our-new-approach-to-access-and-participation/](http://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/our-new-approach-to-access-and-participation/)

## Who needs an access and participation plan?

7. English higher education providers are required to have an approved access and participation plan if they are registered in the Approved (fee cap) category of the Register and wish to charge above the basic tuition fee cap for 'qualifying persons' on 'qualifying courses'. This requirement stems from ongoing registration condition A1 and was put in place pursuant to section 12 of the Higher Education and Research Act 2017:

**Condition A1:** An Approved (fee cap) provider intending to charge fees above the basic amount to qualifying persons on qualifying courses must:

- i. Have in force an access and participation plan approved by the OfS in accordance with HERA
- ii. Take all reasonable steps to comply with the provisions of the plan.

8. For the registration condition and other purposes, 'Qualifying persons' on 'qualifying courses' are prescribed by regulations made under the Higher Education and Research Act 2017. The current regulations are The Higher Education (Fee Limit Condition) (England) Regulations 2017 (SI 2017/1189).
  - a. **Qualifying students** currently include most Home and EU students, but exclude students from outside the EU. They are defined in Regulations 4-6 of the Higher Education (Fee Limit Condition) (England) Regulations 2017.
  - b. **Qualifying courses** include most undergraduate courses and postgraduate initial teacher training, but exclude other postgraduate courses. They are listed as designated courses in The Higher Education (Fee Limit Condition) (England) Regulations 2017.
9. Providers should consider qualifying students on qualifying courses that are part of any sub-contractual arrangements they have with other higher education providers to be included within this definition.
10. Providers are responsible for ensuring that they are properly aware of changes in the law, including any changes to regulations that may affect access and participation plans. However, without prejudice to their own responsibilities, the OfS will consider notifying providers of relevant changes in the law, such as the definitions of qualifying students or courses.

## Which courses and study do access and participation plans cover?

11. Access and participation plans should cover qualifying courses as set out above. Additionally, they may also cover:
  - a. Those on higher level or degree apprenticeships
  - b. Courses leading to the award of credit, and low intensity courses (less than 25 per cent full-time equivalent).

## Basic and maximum fee levels

12. The basic and higher fee caps are prescribed by the Secretary of State in regulations made under HERA and may change from time to time, e.g. each year. For reference, these fee caps are normally published on the OfS website<sup>2</sup>, but it is the responsibility of a provider to ensure that it is aware of changes in the law affecting the fee caps<sup>3</sup>.

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

<sup>3</sup> If a provider wishes to make any variations to the fees charged to students as a result of changes to the fee caps, they will need to ensure that such variations (and the processes and communications relating to them) comply with consumer protection law and regulatory requirements.

# Part B: Submission, assessment and monitoring process

## When to submit an access and participation plan

13. Providers should plan the timing of their submission to fit with their own student application cycle to ensure they receive a decision in respect of approval of the plan in time to communicate with applicants about fee levels and the financial support that will be available.
14. Suggested dates for submission of a provider's access and participation plan and the subsequent dates a provider might expect to receive a decision from the Director for Fair Access and Participation in respect of whether he is minded to approve the plan can be found on the OfS website<sup>4</sup>. The time taken by the OfS to assess a provider's plan is crucially dependent on the quality of the first submission. Experience of previous assessment processes suggests that it may also take longer if a provider's plan is longer than 20 pages or if a provider does not use the supplied template.
15. Providers should be clear in their communication with applicants that the availability of financial support and fee levels (where these will be subject to a fee limit) are subject to an approval decision by the OfS about their access and participation plan.

## Prioritisation of assessments of access and participation plans

16. There is no absolute deadline set by the OfS for submission of an access and participation plan. The OfS will make prioritisation decisions on the assessment of plans and will normally expect to place weight on each of the following factors (in no particular order) in treating an application as higher priority:
  - a. Early timing of a provider's recruitment cycle
  - b. Early timing of a submitted plan relative to other providers
  - c. The quality and completeness of the provider's submitted plan, including by reference to requirements and other expectations made clear in OfS guidance and other publications
  - d. The extent to which the submitted plan otherwise enables the OfS to deploy its limited resources in an effective, efficient and economical way.

## How to submit an access and participation plan

17. Providers are required to submit three documents in relation to their access and participation plans:
  - a. access and participation plan (Microsoft Word document)

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<sup>4</sup> See [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/)

- b. fee information document (Microsoft Excel file)
  - c. targets and investment document (Microsoft Excel file).
18. These documents should be submitted using the provider portal. Submissions via email will not be accepted.

## The OfS assessment process

To help providers understand how the OfS assesses whether a plan should be recommended for approval – and therefore whether ongoing condition A1 is likely to be satisfied – we’ve provided a summary checklist and a flowchart of the assessment process<sup>5</sup>. This, along with the supplied template will help providers to ensure that all relevant information has been included in their access and participation plan.

If providers are unclear about the expectations set out in this guidance they can contact the OfS prior to submission of an access and participation plan at OfS events or via [app@officeforstudents.org.uk](mailto:app@officeforstudents.org.uk).

19. From March 2019, the OfS will establish a rolling programme of events to support providers. This may include conferences, workshops, web content and telephone surgeries, as well as meetings with individual providers where appropriate.
20. Once the OfS receives a provider’s access and participation plan, it will consider it against all the legislative requirements set out in HERA and the Higher Education (Access and Participation Plans) (England) Regulations 2018. Part C of this guidance sets out the matters the OfS will have regard to in exercising its discretion over whether or not to approve a plan in light of the legislative requirements.
21. Following submission the OfS may have further questions for providers. Providers must be available over the period in which their plan is being assessed to provide further information to the OfS as required. The OfS may reprioritise or suspend its assessment of a plan where there are delays in the provision of information.
22. The provider will then be given the opportunity to make amendments to the plan or provide further evidence. Providers should ensure that the appropriate staff, with sufficient levels of authority (or delegated authority), are available until it has an approved plan.
23. The Director for Fair Access and Participation will then decide whether or not to approve a provider’s plan.

## Resubmissions

24. The OfS expects providers to submit an access and participation plan which is credible, ambitious and includes all the information required to enable it to make a thorough assessment.

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<sup>5</sup> Available at [www.officeforstudents.org.uk/apps/](http://www.officeforstudents.org.uk/apps/)

25. Following initial submission, providers will normally be allowed up to two opportunities to make amendments and resubmit their plan. If, after two re-submissions, a provider's plan has still not met the requirements of an approvable plan, the Director for Fair Access and Participation may indicate that he may be minded to refuse to approve the plan. Information about what a provider should do in this situation can be found in paragraphs 42 to 49.
26. Following final refusal of a plan (e.g. after any statutory review process has been completed – see paragraphs 45 to 49 below), the OfS will not, in the absence of exceptional circumstances, accept any further applications from the same provider which concern the first academic year which was covered by the refused plan. However, the provider will be able to consider making a new application for the approval of a plan in time for the next academic year.

### General principles underpinning the assessment process

27. The OfS will use the following principles to underpin the assessment of access and participation plans<sup>6</sup>. This includes:
  - a. **A student focus:** Regulation is designed primarily to protect the interests of students, short, medium and long term (especially the most disadvantaged), rather than those of providers.
  - b. **Continuous improvement:** In outcomes and the practice which underpins outcomes by:
    - i. Reducing the gaps in access, success and progression for underrepresented groups among a provider's own students
    - ii. Improving practice, including through better evaluation and sustained engagement with schools and with employers.
  - c. **Proportionality and targeting:** Provision that presents lower risk to students will be subject to less regulatory burden, while higher risk elements of provision will face greater regulatory scrutiny. In the case of access and participation plans, risk mainly refers to the OfS's assessment of the risk of breach of condition A1.

### Approval of a plan

28. A plan is approvable if it sets out provisions that will be meaningful and effective in promoting equality of opportunity for underrepresented groups, as determined by the Director for Fair Access and Participation.
29. The OfS would, at a minimum, expect that an approvable plan would include the following, to a sufficient level of ambition and credibility:
  - a. A detailed and robust assessment of performance

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<sup>6</sup> See Part I of the OfS regulatory framework: [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/)



- b. Targets which are ambitious and related to the provider's assessment of performance, including consideration of national evidence
  - c. A description of the strategic measures the provider will take to achieve the ambitions set out in the plan relative to the size, mission and level of higher fee income from qualifying students. This includes a sufficiently detailed and robust evaluation strategy
  - d. Details of how the plan will be actively monitored and the how the outcomes of both monitoring and evaluation will be used to ensure both compliance with the provisions in the plan and sufficient progress against targets
  - e. A description of the investment the provider will make in improving access and in financial support which demonstrates sufficient investment to resource the strategic measures described
  - f. Details of any financial support the provider will make available to students, and how those students will be informed about the financial support available to them
  - g. A commitment from the provider that it will make available to prospective students information about the full cost of their course for the duration of their course before they commit themselves to undertake a higher education course.
30. The judgement about whether a plan, or element of a plan, is ambitious and credible enough for approval is dependent on the provider's size and turnover, mission, level of higher fee income from qualifying students, and the plan considered as a whole. More information about the matters the Director for Fair Access and Participation will have regard to when approving the content of a plan can be found in **Part C**.

### **Assessment of the risk of a future breach of condition A1**

31. If a plan is considered approvable, the OfS will then determine the risk of the provider breaching an ongoing condition of registration in future. The OfS's assessment of a provider's risk is a critical component of its regulatory approach, as directed by HERA and described in the OfS's regulatory framework. This approach recognises the need to identify and respond to risks before they crystallise.
32. Following the approval of a provider's access and participation plan, the OfS will form a judgment about whether there has been a change in risk that a provider may breach condition A1 of the OfS's regulatory framework in the future.
33. There is no precise formula used to assess such risk, but the OfS assessment will normally be based on two elements:
- The likelihood of whether a provider's plan may not be approved in the future
  - Whether a provider is taking all reasonable steps to comply with the provisions of its previously approved plan(s).
34. The assessment of risk of a future breach of condition A1 is informed by:

- The extent of the gaps between different student groups in 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 its assessment of performance
- Risks identified during monitoring or through reportable events.

35. While the extent of the gaps in equality of opportunity and the rate of progress are considerations of risk, this does not mean that the providers with the largest gaps are automatically considered to be the greatest risk. For example, a provider which demonstrates that it understands its own performance through a reflective self-assessment of performance, presents a plan which is well-resourced, and has a strategy which addresses the gaps identified in the assessment of performance may be considered to be of lower risk.
36. If the OfS deems a provider to be at increased risk of a future breach of condition A1 it may impose requirements for enhanced monitoring, or one or more specific ongoing conditions of registration on a provider. More information about monitoring can be found in paragraphs 61 to 70.
37. Where the OfS has highlighted effective practice over and above the minimum required for approval of a plan, providers that adopt these practices are likely to be judged to be at lower risk of a future breach. Providers may present alternative approaches if these are coupled with a credible rationale<sup>7</sup>.

### **How the decision of the Director for Fair Access and Participation on a provider's access and participation plan will be communicated**

38. Providers will be informed in writing about whether the Director for Fair Access and Participation is minded to approve or refuse an access and participation plan. If the plan has been approved, providers will be informed in writing if the OfS assessment of risk has resulted in any regulatory action (e.g. enhanced monitoring or a specific ongoing condition of registration).

### **Publication of plans by providers**

39. If a provider's plan is approved, the OfS will send to the provider a copy of the approved access and participation plan with some of the information from the 'targets and investment plan' and 'fee information' documents appended.
40. The Higher Education (Access and Participation Plans) (England) Regulations 2018 require providers to publish their approved plan in a manner which makes it conveniently accessible to students and prospective students. The OfS expects that this will be in a prominent position on providers' websites.

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<sup>7</sup> For more information see 'How to prepare your access and participation plan: Effective practice advice' (OfS 2019.06) at [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)

41. The OfS will publish a link to all approved access and participation plans on the OfS's Register.

## **What happens if a provider's access and participation plan is not approved?**

### **Where the Director is minded not to approve an access and participation plan**

42. If the Director for Fair Access and Participation is minded not to approve a provider's plan he will inform the provider in writing, specifying the reasons for his decision.
43. The provider may then make representations to the Director for Fair Access and Participation as to why the submitted plan should be approved or allow the plan to be modified and resubmitted. The OfS expects to give a provider at least 14 days to make representation but will consider whether this is reasonable in the particular circumstances.
44. The Director for Fair Access and Participation will then consider any representations or modifications to the plan (or both) and, having considered them, inform the provider whether or not the plan is approved.

### **Review of decisions**

45. Decisions about whether to approve plans are in the first instance provisional.
46. If a plan is not approved, the provider may apply to the statutory reviewer, appointed by the Secretary of State, for a review of that decision.
47. A provisional decision becomes final when a provider informs the OfS that it accepts the provisional decision or does not apply for a review within 28 days from the date of the provisional decision.
48. If a provider applies for a review of a provisional decision the statutory reviewer must complete the review within a reasonable time and may issue a recommendation upon completion of the review. The Director for Fair Access and Participation will reconsider the provisional decision having regard to any such recommendation, and will issue a final decision within a reasonable time.
49. A provider can apply for a review in circumstances where:
  - it presents a material factor for consideration which for good reason it had not previously drawn to the attention of the Director for Fair Access and Participation, or
  - it considers that the Director for Fair Access and Participation had disregarded a material factor which he should have considered, or
  - it considers that the provisional decision is disproportionate in view of all the relevant facts considered by the Director for Fair Access and Participation.

## **The duration of access and participation plans**

50. All plans should demonstrate clear long-term ambitions for how providers will achieve significant reductions in the gaps in access, success and progression over five years from when the plan commences.
51. The access and participation plan should relate to the cohorts of students the higher education provider will register in the five academic years from the point at which the plan commences. This would be the maximum duration of a plan. However, the precise period of time during which a plan may be in force, without resubmission to the OfS for approval, will be related to the OfS's assessment of the risk of a future breach of condition A1. Students that were registered and commenced their study prior to the point at which this access and participation plan commences will continue to be covered by providers' previous relevant access and participation plan or access agreement if they had them.
52. The initial approval of an access and participation plan will be for a period of one year. Approval will then automatically roll over each subsequent year for a maximum of five years unless the OfS expressly notifies a provider in writing that a new plan needs to be submitted for approval. The OfS would not normally expect to ask a provider for a new five-year access and participation plan within the first two years after submission.
53. If the OfS requires a provider to submit a new access and participation plan for approval (in response, for example, to a reportable event such as a merger or in light of significant national policy changes), providers will be given a minimum of 12 weeks' notice.
54. Providers may also choose to submit a new plan earlier if they have a new strategy or evaluation findings suggest a fundamental change in approach is required. Should a provider choose to do so, any consideration of the newly submitted plan does not affect the OfS's consideration of enforcement action for non-compliance during the period the original plan was approved. The OfS expects providers to take all reasonable steps to deliver their plan and will not normally accept a reduction in the level of ambition in a newly submitted plan.
55. For providers that meet all the requirements for an access and participation plan, and are able to demonstrate that they are meeting the ongoing provisions of their plan through the annual monitoring process and so are not at increased risk of a future breach of condition A1, the Director for Fair Access and Participation will normally allow a plan to roll on for the maximum of five years.

## **Requesting a variation to an access and participation plan**

56. Providers may, at any time after a plan has been approved, apply to the Director for Fair Access and Participation for approval of a variation of that plan. A variation of a plan includes any change to a provider's approved access and participation plan. When considering any variation to an access and participation plan, the OfS will expect assurance that the provider is taking all reasonable steps to comply with the provisions of its approved plan. A variation that would result in a reduction in ambition in respect of level or rate of progress or that would impact on support to students is unlikely to be accepted in the absence of exceptional circumstances and a compelling justification.

57. Requests for variations must adhere to the requirements set out for the initial submission of an access and participation plan such as the need for student consultation, provision of information to students and sign off of the plan by the provider's governing body.
58. A variation of an access and participation plan will be subject to the same assessment, approval and review process as a whole plan. This means that the OfS will consider the variation against all the legislative requirements (set out in HERA and the Higher Education (Access and Participation Plans) (England) Regulations 2018) and have regard to the matters set out in Part C of this guidance.
59. The Director for Fair Access and Participation will consider the variation and will inform the provider whether or not he is minded to approve it. Should the Director be minded not to approve the variation, the provider can make representations and request a review of the decision according to the process set out in paragraphs 42 to 49 of this guidance.
60. A variation of a plan takes effect only if approved by the Director for Fair Access and Participation.

## **Monitoring progress against access and participation plans**

61. The OfS will monitor all providers' access and participation plans. It will do so by using the indicators in the access and participation dataset, reportable events, and other intelligence such as complaints. These will be used to identify early warning signs that there is an increased risk that a provider may not satisfy its ongoing conditions of registration. Regulatory decisions will not normally be taken solely on the basis of these indicators, but will identify areas for the OfS to assess further. Where the OfS considers that there is an increased risk of a future breach, or that there is or has been an actual breach, it will respond swiftly with interventions (which may include the use of its sanction powers) if considered necessary, as set out in the regulatory framework.
62. To support the OfS in its monitoring of providers' access and participation plans, each provider will be expected to publish and submit to the OfS an access and participation impact report each year. Where appropriate, this may be accompanied by an action plan which sets out any improvements to its strategy.

## **Impact reports**

63. The impact report will focus on the outcomes providers have achieved, including progress against targets, and identifying lessons learnt from approaches that have not worked as well as expected. The report will provide a narrative alongside information on outcomes in order to place the findings in context. Providers will be expected to give their student bodies the opportunity to include a commentary in their annual impact reports.
64. The OfS will develop the format and content of impact reports and action plans during 2019, working with stakeholders (including students) to ensure that the information provided is fit for purpose, and accessible for students and the public.

## **Financial monitoring**

65. From the 2019-20 academic year onwards, providers will be required to include financial information relating to spend on activities included in their access and participation plan in

their audited financial statements. In addition, under the terms and conditions of OfS funding, the OfS's student premiums will be earmarked to contribute towards the aims and objectives set out in a provider's approved access and participation plan. Therefore, in its financial statements, the provider's independent auditor's report will be required to include an opinion about the provider's use of these funds for the purposes given. Information about these requirements will be set out in the OfS's accounts direction that will be published later this year.

66. The OfS will also collect financial information about a provider's access and participation plan expenditure through the financial returns submitted as part of monitoring of the ongoing condition of registration for financial viability and sustainability (condition D). Information about the requirements will be included in the monitoring and intervention guidance for providers that will be published later this year.
67. Although from 2019-20 providers do not need to report spend on success and progression to the OfS, they should ensure that they understand their spend across the lifecycle so that:
  - a. they understand the additional costs of supporting underrepresented groups across the lifecycle and, as part of their evaluation of activity, they can assess the cost effectiveness of their approach
  - b. they are able to respond to any specific condition or enhanced monitoring requirements that may require reports on spend in these areas
  - c. they are able to report as a matter of course in future if the funding landscape changes or the OfS's evaluation of any change determines that it is detrimental to its strategy, as specified in 'A new approach to regulating access and participation in English higher education: Consultation outcomes' (OfS 2018.53)<sup>8</sup>.

### **Implications of a provider's access and participation plan for other conditions of registration**

68. The OfS will conduct routine monitoring of a provider's compliance with all of its ongoing conditions of registration as set out in the regulatory framework. This will include the use of measures of fair access and participation. The OfS will consider how the requirements set out in different conditions interact, and how any increased risk of a future breach of one condition may impact the risk of a future breach for others; the aim is to ensure that providers deliver successful outcomes for all of their students.
69. Where the data the OfS monitors raises any concerns regarding a provider's performance in access and participation, investigation will be undertaken and intervention may follow to address any issues.
70. The OfS is committed to ensuring that its approach to monitoring reduces burden on providers that are not at increased risk of breaching condition A1. The needs of different

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<sup>8</sup> Available at [www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation-outcomes/](http://www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation-outcomes/)

types of provider will therefore be taken into consideration to ensure that requirements are proportionate to a provider's size and context.

## Part C: Contents of the access and participation plan

71. This guidance sets out the required and expected content of an access and participation plan. This is set out in the yellow highlighted boxes later in this document and is related to the information the OfS needs to make an assessment. Where a provider does not include required or expected content it must state its reason for doing so in the plan. Further detail on the required and expected content is provided underneath the yellow box.
72. The OfS recognises that the content of access and participation plans will vary between providers. Each plan will be informed by the circumstances of the individual provider and the characteristics, needs and views of its potential and current students.
73. It is up to the provider to determine the focus of its access and participation plan. The strategy a provider adopts and the targets it sets must be determined by its assessment of its performance in relation to access, success and progression for students from underrepresented groups.
74. The Director for Fair Access and Participation will decide whether the information provided is sufficient to approve the plan.

### Underrepresented groups

Throughout this guidance the OfS refers to ‘underrepresented groups’. The OfS uses this term as the focus of access and participation plans within the governing regulations (section 32 of HERA and the Higher Education (Access and Participation Plans) (England) Regulations 2018<sup>9</sup>). It includes all groups of potential or current students where the OfS can identify gaps in equality of opportunity in different parts of the student lifecycle. In determining the groups falling within this definition, the OfS has given due regard to students who share particular characteristics that are protected under the Equality Act 2010<sup>10</sup>.

More specifically, for access and participation plans the OfS considers underrepresented groups to include students with the following characteristics:

- Students from areas of lower higher education participation, lower household income and/or lower socioeconomic status groups
- Some black, Asian and minority ethnic (BAME) students
- Mature students

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<sup>9</sup> See [www.legislation.gov.uk/ukxi/2018/470/contents/made](http://www.legislation.gov.uk/ukxi/2018/470/contents/made)

<sup>10</sup> The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, pregnancy and maternity, sex and sexual orientation. Further details can be found at [www.equalityhumanrights.com/en/equality-act/protected-characteristics](http://www.equalityhumanrights.com/en/equality-act/protected-characteristics)



- Disabled students (those in receipt of disabled students allowance (DSA) and those who have declared a disability but are not in receipt of DSA)
- Care leavers.

We aim in all of our work to be evidence-based and never lose sight of the individuality of each student. Therefore the OfS expects providers to consider the way in which these characteristics combine to increase underrepresentation. For example, white British men and women from lower socioeconomic backgrounds are among the most underrepresented groups in higher education. Therefore, within its definition, the OfS includes male and female students in combination with the characteristics above.

In addition, there is a wider set of student groups where the national data indicates there are particular equality gaps and support needs that can be addressed in access and participation plans. These are also included in the OfS definition of underrepresented groups:

- Carers
- People estranged from their families
- People from Gypsy, Roma and Traveller communities
- Refugees
- Children of military families.

There are also student groups with protected characteristics under the Equality Act 2010 where data is collected at a national level, for example in relation to religion and belief, sexual orientation and gender identity. Gaps in disclosure and absence of comprehensive data currently prevent the OfS from determining whether they are underrepresented at different points of the student lifecycle<sup>11</sup>. The OfS will revisit this as the quality and longevity of evidence improves. There is some evidence of disadvantage or additional barriers for students who intersect both protected characteristics and underrepresented groups (for example sexual orientation and mental health) in higher education.

The OfS approach to this, together with the approach to student safeguarding, is described in the equality objectives and action plan<sup>12</sup>. Providers may include measures in their access and participation plan to support these groups where they have evidence that they are underrepresented at any point of the student lifecycle within their organisation.

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<sup>11</sup> The only protected characteristics for which we do not have national data on underrepresentation in higher education are: marriage and civil partnership and pregnancy and maternity. Gender reassignment, religion or belief and sexual orientation are published by the OfS as 'experimental data' as they are optional fields on the HESA individualised student record, collected since 2012-13.

<sup>12</sup> See [www.officeforstudents.org.uk/about/equality-and-diversity/](http://www.officeforstudents.org.uk/about/equality-and-diversity/)

Further information on the available data can be found in 'Equality impact assessment: Regulatory framework for higher education' (OfS 2018.09)<sup>13</sup> published in February 2018.

## What the access and participation plan should look like

### Access and participation plan

75. Providers are strongly encouraged to use the template<sup>14</sup> provided to structure their access and participation plan. If a provider does not use the supplied template it may take longer for the OfS to assess the plan.
76. The OfS expects plans to be a single Microsoft Word document that should not normally exceed 20 pages of A4. Where a plan is longer than 20 pages it may take longer for the OfS to assess the plan. There is no minimum length requirement.

### Targets, investment and fee information

77. Alongside the access and participation plan, providers must submit two Excel documents which detail the provider's:
  - a. targets and investment plan
  - b. fee information.
78. These will form part of the evidence the OfS considers when determining whether to approve the plan and assess risk of a future breach of condition A1. For instructions on downloading and completing the documents, see **Annexes B and C**.

## What the access and participation plan should contain

79. Regulation 2 of the Higher Education (Access and Participation Plans) (England) Regulations 2018 sets out the statutory requirements of an access and participation plan (see **Annex A**). The Director for Fair Access and Participation also, through this guidance, sets out the matters he will have regard to in determining whether or not to approve a plan.
80. A summary of all of the checklist of requirements detailed in this notice can be found on the OfS website<sup>15</sup>.
81. A provider's plan must state the academic years in which the plan will be in force. For example this may be from 2020-21 to 2024-25.

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<sup>13</sup> Available at [www.officeforstudents.org.uk/publications/equality-impact-assessment-regulatory-framework-for-higher-education/](http://www.officeforstudents.org.uk/publications/equality-impact-assessment-regulatory-framework-for-higher-education/)

<sup>14</sup> Available at [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/)

<sup>15</sup> Available at [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/)

82. A provider's plan must demonstrate a clear overarching theory of change. It must show how the assessment of performance has informed the strategic aims, objectives and targets which in turn have determined the strategic measures and investment necessary to deliver them, underpinned by robust evaluation. A provider's targets must directly reflect the aims and objectives detailed in the plan, and be sufficiently ambitious to make a meaningful and effective contribution to the promotion of equality of opportunity.

### **National key performance measures**

83. Access and participation plans should address the widest gaps a provider has identified in its assessment of performance. In addition, where relevant, providers are expected to take account of the access and participation national key performance measures (KPMs) and associated targets set by the OfS<sup>16</sup> in their assessment of performance, strategic aims, objectives and targets. These are:
- a. Eliminate the gap in participation at higher-tariff providers between the most and least represented groups (Participation of Local Areas (POLAR4)<sup>17</sup> quintiles 5 and 1 respectively) by 2038-39.
    - i. For 18- and 19-year-olds, the OfS target is to reduce the gap in participation between the most and least represented groups from a ratio of 5:1 to a ratio of 3:1 by 2024-25.
  - b. Reducing the gap in non-continuation between the most and least represented groups (POLAR4 quintiles 5 and 1 respectively).
    - i. To eliminate the unexplained gap in non-continuation between most and least represented groups by 2024-25, and to eliminate the absolute gap (the gap caused by both structural and unexplained factors) by 2030-31<sup>18</sup>.
  - c. Reducing the gap in degree outcomes (1sts or 2:1s) between white students and black students.
    - i. To eliminate the unexplained gap in degree outcomes (1sts or 2:1s) between white students and black students by 2024-25, and to eliminate the absolute gap (the gap caused by both structural and unexplained factors) by 2030-31.
  - d. Reducing the gap in degree outcomes (1sts or 2:1s) between disabled students and non-disabled students.

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<sup>16</sup> The OfS has set five KPMs addressing gaps in access, success and progression and has set national targets for four of them. For an explanation of the measures and associated targets, see [www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation-outcomes/](http://www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation-outcomes/)

<sup>17</sup> For more information see [www.officeforstudents.org.uk/data-and-analysis/polar-participation-of-local-areas/](http://www.officeforstudents.org.uk/data-and-analysis/polar-participation-of-local-areas/)

<sup>18</sup> Some of the factors that contribute to the non-continuation and attainment gaps are structural, such as entry qualification, subject of study, age of students, etc. However, once such structural factors are taken into account, there remain significant unexplained differences which are referred to as the unexplained gap.

- i. To eliminate the gap in degree outcomes (1sts or 2:1s) between disabled students and non-disabled students by 2024-25.

84. The national KPMs have been set to address some of the most challenging gaps in access and participation that affect large numbers of students. Therefore, if consideration of these KPMs is not included in a plan, providers will be expected to explain why they are not relevant.
85. While it is clear that the national KPMs are important, other measures will be equally important such as addressing the decline in the number of mature students in higher education and access, success and progression for care leavers. Providers must ensure that the measures they identify are appropriate and relevant to their contexts and relate to the gaps they identify in their assessment of performance.

## Assessment of performance

An access and participation plan must include an assessment of a provider's current performance across the whole student lifecycle:

- A plan must include identification of those underrepresented student groups, or sub-groups, among a provider's own students where there are equality gaps in relation to access, success and progression.
- A plan must include an analysis of the **gaps** between underrepresented groups and other student groups in absolute terms, and consider **progress over time** in closing those gaps where there is available data. More information about how to do this is provided in the effective practice document (OfS 2019.06)<sup>19</sup>.

The assessment of performance must cover all stages of the student lifecycle (access, student success, and progression to employment or further study). The analysis of student success must consider both non-continuation and attainment. Progression analysis must include both progression to employment/further study and progression to highly skilled employment.

As a minimum, a provider's assessment of performance must cover groups of students who share the following particular characteristics:

- Those living in areas of low higher education participation or from lower household income or socioeconomic status backgrounds
- Black, Asian and minority ethnic students
- Mature students

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<sup>19</sup> Available at [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)

- Disabled students (those in receipt of DSA and those who have declared a disability but are not in receipt of DSA)
- Care leavers.

The OfS expects providers to disaggregate data to a level which demonstrates a strong understanding of the characteristics of their students. This would normally include:

- Disaggregation of black, Asian and minority ethnic students into individual groups
- Disaggregation of disabled students, at a minimum into those with mental ill health, specific learning difficulties and physical impairments in their assessment of performance. To demonstrate a more thorough understanding of disabled student groups, providers may consider disaggregating further specific disability categories.

Providers may include in their assessment a wider set of student groups where national data indicates there are particular equality gaps and support needs that can be addressed in an access and participation plan, including:

- Carers
- People estranged from their families
- People from Gypsy, Roma and Traveller communities
- Refugees
- Children from military families.

In addition, providers are expected to consider:

- The intersections of characteristics to identify more accurately gaps in access, success and progression for particular groups of students (e.g. where examination by a single characteristic may mask or underestimate the extent of a gap that needs addressing for a particular group). This may include intersections between income, ethnicity, low participation areas and gender, though providers may choose to look at other intersections, including the full range of protected characteristics
- Their role in the national context using sector-wide evidence and data. This would be expected to relate to groups identified in the OfS key performance measures as well as other groups (such as those listed above) where appropriate.

The OfS expects providers to use data, and reference the sources of data, in their plan, including the access and participation dataset provided to them by the OfS. Providers may additionally use other sources such as:

- Other data (including internal data) that offers a more detailed understanding of the provider's applicants and student body, for example the UCAS multiple equality measure or learner analytic data

- Relevant findings from qualitative and quantitative research.

86. Effective practice advice on how to conduct and write a credible assessment of performance can be found on the OfS website<sup>20</sup>.
87. This assessment will inform:
- which underrepresented groups providers need to target
  - where providers can identify success to build on
  - where there are areas for improvement.
88. To support providers to assess their performance, the OfS has made available to providers an access and participation dataset. Both national and provider specific data on underrepresentation are available through the dataset. This data will be publicly available on the OfS website from spring 2019. Providers' access to the dataset in advance of this publication is strictly for the providers' operational and data quality assurance purposes. More information on using the dataset can be found on the OfS website<sup>21</sup>.
89. It is expected that a provider's assessment of performance will use available resources, including the OfS access and participation dataset, other national and local data and providers' own data and research (both qualitative and quantitative), to understand inequalities in access, success and progression.
90. Providers may use charts and graphs to aid communication of their assessment of performance.
91. If providers' data has been suppressed or not included due to small numbers, or if small numbers result in an unreliable statistical analysis, the OfS expects providers to state in their plan where this is the case. In such instances providers may consider using qualitative analysis, regional or national statistics, or academic evidence to assess the gaps and barriers in their own context.
92. The OfS will form its own judgement of a provider's performance based on the OfS access and participation dataset together with the provider's own data and assessment. This judgement informs the OfS assessment of risk, specifically the extent of the gaps, the rate of progress in closing the gaps and the credibility of a provider's plan.

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<sup>20</sup> Available at [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)

<sup>21</sup> See [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)

## Strategic aims, objectives and targets

### Strategic aims and objectives

Providers must clearly set out in their plan the strategic aims and objectives which reflect the areas for development identified in their assessment of performance. The OfS expects these aims and objectives to reflect the OfS key performance measures where appropriate.

Providers must set out the changes they aim to achieve and the timescales for doing so.

Providers may also detail how their strategic aims and objectives will contribute to equality of opportunity for underrepresented groups nationally, based on the sector-wide evidence and data considered in their assessment of performance. This may be achieved through the development of collaborative aims and objectives with other higher education providers and other strategic partners.

The aims and objectives section of the plan must include:

- An articulation of the provider's overarching strategic aims in respect of the delivery of equality of opportunity and outcomes for all students
- A summary of which underrepresented groups the provider will be targeting in its access and participation work, and at which stage(s) of the student lifecycle (access, success and progression) based on its assessment of performance
- Measurable objectives relating to each of the target groups and stage of the lifecycle the provider has identified
- The timescale over which the provider would expect to deliver its strategic aims and objectives.

### Targets

Providers must set ambitious, clearly defined outcomes-based targets that directly reflect their strategic aims and objectives, informed by the assessment of performance. Where applicable it is expected that targets will take account of the national key performance measures the OfS has set in relation to gaps in access, success and progression for underrepresented groups.

A plan may additionally include:

- Outcomes-focused targets related to sustained engagement with pre-16 students or working with the community or employers to support mature student access to higher education
- Outcomes-focused targets related to raising attainment in schools and colleges
- Collaborative targets across particular types of providers, or a regional or geographical target which may relate to promoting equality of opportunity for underrepresented groups nationally.

Providers' targets must be:

- Stretching
- Outcomes-based
- Measurable on a consistent basis, with baseline data where possible
- Set over five years, and include annual or interim milestones which will be used to monitor progress.

93. The OfS expects a provider's aims and objectives in the access and participation plan to summarise its target groups and level of ambition identified as a result of the assessment of performance. A provider's aims and objectives may be set over a term longer than the five years of the plan. They must then be directly reflected into more specific and measurable targets set over the five years the plan is in force and presented in tables 2a, b and c of the targets and investment plan.
94. Providers must include objectives and targets for all the main areas where they have identified a material gap for a group of underrepresented students in their assessment of performance, especially where this gap has not closed over time. Where appropriate, objectives should also take account of gaps in access, success and progression for particular groups with intersections of characteristics, as identified in the assessment of performance. Targets should be set with an appropriate trajectory for meeting them over the five years of the plan.
95. The OfS expects the aims, objectives and targets identified by the provider to collectively secure continuous improvement in outcomes for students by significantly reducing the gaps in access, success and progression for all underrepresented groups.
96. Where a provider is already demonstrating equality of opportunity for an underrepresented group, it is expected that it will maintain its performance to contribute to continuous improvement nationally. Providers do not need to include a target in this instance.
97. The OfS expects provider aims, objectives and targets to be stretching. The level of ambition identified within a provider's plan and targets will influence both the Director for Fair Access and Participation's decision whether to approve the plan, and the OfS assessment of risk in relation to a future breach of condition A1 (see **Part B** of this document for more information about the assessment process).
98. The OfS expects those providers where the gaps are widest for access, success and progression to set the most ambitious and stretching targets in those areas and to contribute most to national priorities. The OfS expects strategic aims, objectives and targets to be related to the areas where the gaps are widest both in the provider and nationally in relation to the OfS KPMs. Where the gaps in a particular area are already narrow at a provider, it may be more appropriate to focus on other areas, while maintaining work to reduce these gaps still further.



99. Access and participation plans are strategic documents set over a period of five years, therefore targets should be similarly strategic and outcomes-focussed. The OfS expects there will be no input, and very few activity level targets<sup>22</sup>. It is expected that activity level targets will be outcomes focused and strategic in that they clearly link to the aims and objectives detailed in the plan which are underpinned by the assessment of performance. For example, they may be intermediate outcomes related to an activity's theory of change. This may be relevant where providers are setting targets relating to pre-16 work with national outcomes or where longer term outcomes based targets may not be realised in the duration of the plan.
100. The OfS defines an outcomes-based target as one which measures a change in performance against a baseline for a specific group as a result of activities or services provided. This is different to an output-based target which is related to the product of an activity. For example, an activity may have an output of working with 100 young people, and the outcome of the young people involved being 10 per cent more likely to go to higher education than a comparison group.
101. The OfS expects providers to focus on those student groups where providers identify the gaps in access, success and progression to be widest among their own students and where there is the greatest potential to address these patterns, both within a provider and across the sector as a whole.

## Targets

102. When the OfS monitors providers' performance in respect of progress towards achieving the objectives set out in the plan, it will consider the access and participation dataset, as well as the performance against targets providers have identified and contextual information provided through ongoing and annual monitoring. This will give a more holistic understanding of performance in relation to a provider's aims and objectives, rather than simply looking at each individual measure in isolation. For more information about monitoring please see paragraphs 61 to 70.
103. The OfS strongly encourages providers to use POLAR4 when setting targets as it is a robust and widely used measure of underrepresentation in higher education. Where providers have clear evidence that POLAR4 does not reliably reflect disadvantage in their specific location or context, they may choose to use an additional measure of disadvantage identified in the access and participation dataset, such as the English Index of Multiple Deprivation (IMD) or suggest an alternative measure, though the acceptance of this will be subject to negotiation with the Director for Fair Access and Participation.
104. The introduction of the Graduate Outcomes survey (replacing the Destinations of Leavers from Higher Education survey) and implementation of the HESA's Data Futures programme will necessitate definitional changes to measures of continuation and progression. While providers should still develop targets to reduce gaps in these areas, the OfS recognises that they may need to revisit these and adopt new baselines and targets once these changes have been implemented. Similarly, the OfS is actively exploring the use of Free School Meal

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<sup>22</sup> An example of an input target would be 'to increase investment in summer schools by 10 per cent per annum'. An example of an activity target would be 'to increase the number of summer schools offered from x to x.'

and household income data as well as the development of intersectional measures of equality which should make the adoption of new baselines in future years possible.

105. The OfS encourages collaborative targets being set in partnership with other providers to address national, regional and local priorities. For example, this might be a target across particular types of providers (such as high-tariff or specialist providers), or a regional or geographical target (such as OfS-funded National Collaborative Outreach Programme (NCOP) partnerships and from 2021 onwards, OfS-funded outreach hubs).
106. Providers may use one target to cover multiple points in the highlighted box (see page 23) for example related to sustained engagement with pre-16 students, raising attainment and collaborative targets.

### **Strategic measures: providers' approach to delivery of strategic aims and objectives**

An access and participation plan must set out the strategic measures the provider will put in place to achieve its ambitions, demonstrating continuous improvement in practice and outcomes for students.

Providers must state **when** they aim to achieve the commitments made in their access and participation plan.

107. Providers must outline the measures they will take to achieve the strategic aims, objectives and targets detailed in the plan. The strategic measures section of an access and participation plan sets out the provider's approach and must include information on:
- a. An overview of its whole provider, strategic approach which:
    - clearly articulates its overarching theory of change which demonstrates an evidence-informed approach
    - describes how the plan links to and draws from other provider strategies, particularly equality, diversity and inclusion and learning, teaching and assessment strategies
    - sets out, at a high level, the main strategic measures the provider will use to deliver its aims and objectives across access, success and progression, including: curriculum, pedagogic and student support developments to promote inclusivity and address attainment and progression gaps; employability and skills development; collaboration with other higher education providers and other bodies across the student lifecycle; and alignment with other work and funding sources
  - b. Student consultation in planning, monitoring and evaluation
  - c. Monitoring progress against the commitments made in the plan
  - d. A provider's evaluation strategy.

108. More information about specific requirements for each of these areas can be found in the next sections of this document.

## **Whole provider strategic approach**

Providers must state how they are taking a whole provider approach to meeting their access and participation strategic aims and objectives.

A provider's plan must include an overview of their whole provider approach which articulates their overarching, evidence-informed theory of change.

### **Alignment with a provider's other strategies**

The OfS expects a plan to detail how a provider's access and participation plan is linked to its other strategies such as equality, diversity and inclusion, learning, teaching and assessment and employability.

The access and participation plan must demonstrate that the provider has paid due regard to equality and diversity in designing its access and participation plan, as is its responsibility under the Equality Act 2010. The OfS expects this would comprise a description of how the provider's equality and diversity and access and participation strategies align.

### **Strategic measures**

A plan must set out, at a high level, the main strategic measures the provider will use to deliver its aims and objectives across access, success and progression. The OfS expects this will include measures related to:

- The curriculum, pedagogic and student support developments to promote inclusivity and address attainment and progression gaps
- Employability and skills development
- Collaboration with other bodies across the student lifecycle. Where applicable, this includes other higher education providers, students, schools and colleges to raise prior attainment, employers and third sector bodies
- Alignment with other work and funding sources such as the NCOP, outreach hubs, and local graduates where applicable.

Where a provider is using financial support as a strategic measure to achieve their access and participation aims it must state what it is trying to achieve and how this has been informed by evidence. This must include a statement about the level of funding a provider is investing in its financial support package and the eligibility criteria it will apply.

For each of the measures the plan must state how the activity links to its aims, objectives and targets, and is underpinned by evidence.

109. Theory of change is a description of how and why a desired change is expected to happen in a particular context. It maps out what activities or interventions set out to accomplish and

how that leads to desired goals being achieved. It does this by first identifying the desired long-term goals then works back from these to identify all the conditions that must be in place for the goals to occur<sup>23</sup>. Further guidance and referenced texts on developing a theory of change can be found in our advice on effective practice<sup>24</sup>.

110. A whole provider approach requires alignment and consistency across the institution to create an inclusive approach which all students benefit from irrespective of where they are located within the provider. The essential features of a whole provider approach are:

- A whole lifecycle approach to access, success and progression is adopted
- Staff from departments, services and units across the provider are engaged
- There is clear and explicit leadership and provider commitment to access, success and progression
- A pragmatic approach to change developing a culture and structure that promotes and supports inclusivity and consistency<sup>25</sup>.

111. The OfS expects a whole-provider approach to draw on work across the student lifecycle and experience to address gaps in access, success and progression. Providers should consider how their access and participation plans will align with their learning, teaching and assessment approaches as well as to their approach to the broader student experience, in order to develop more inclusive curricula and practice to ensure that students from all backgrounds are engaged and supported to succeed.

### **Equality, diversity and inclusion**

112. Descriptions about the alignment between access and participation and equality and diversity may include:

- An example of how equality objectives relate to access and participation objectives and specific target groups
- Evidence that the provider has considered the impact of its activities and support measures on students with protected characteristics
- An explanation of the provider's strategy to address the interactions between students with protected characteristics and students who are underrepresented in higher education
- A commitment to using equality impact assessments where appropriate.

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<sup>23</sup> Taken from [www.theoryofchange.org/what-is-theory-of-change/](http://www.theoryofchange.org/what-is-theory-of-change/)

<sup>24</sup> Available at [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)

<sup>25</sup> See <https://webarchive.nationalarchives.gov.uk/20180511112311/https://www.offa.org.uk/egp/whole-institution-approach/>

113. The Equality Act 2010 requires higher education providers to take equality issues into account when designing policies (including internal policies) and services, and to review such issues regularly. The OfS will have regard to whether providers meet their legal obligations under the Equality Act 2010 in assessing whether to approve plans and will therefore expect providers to demonstrate how they are meeting these responsibilities.
114. Under the Equality Act 2010, all publicly funded education providers must comply with the general duties under the public sector equality duty. This means that providers must have due regard to the need to:
- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
  - b. Advance equality of opportunity between people who share a protected characteristic and those who do not
  - c. Foster good relations between people who share a protected characteristic and those who do not.
115. Providers should demonstrate how their access and participation strategies align with their equality, diversity and inclusion strategies. This includes explaining how access and participation activities and support measures help to advance equality of opportunity and foster good relations between people who share a protected characteristic under the Equality Act 2010 and those who do not. Providers should demonstrate how their equality objectives relate to the strategic ambitions and target groups set out in their access and participation plan.

### **Curriculum, pedagogic, student support developments and employability**

116. In relation to the curriculum, pedagogic, student support developments and employability, a plan may include:
- A demonstration of how the provider will develop and enhance a structure and culture of access and participation across the organisation
  - A description of how curricula and pedagogic developments will support successful outcomes for students from underrepresented groups
  - An outline of flexible provision, such as degree apprenticeships, flexible timetabling or online programmes
  - Evidence of the use of inclusive or contextual admissions processes
  - A description of how the provider will embed wellbeing, including mental health policies across the whole organisation, its departments and staff
  - A description of how providers' careers advice and approaches to employability will be tailored to meet the needs of underrepresented student groups.

### **Collaboration and alignment with other work and funding sources**

117. There are benefits to working collaboratively across all aspects of access, success and progression. Collaborative approaches can ensure that expertise is pooled to enhance the

quality of provision, activity can be strategically aligned to reduce duplication, overlap and burden and shared goals ensure that all partners are working towards the same ends. Providers must demonstrate in their access and participation plans their commitment and strategic approach to collaborative working. This may include relationships with other higher education providers, with employers and third sector bodies, relationships as part of formal networks and strategic relationships with schools, colleges and other education providers.

118. In relation to collaboration and alignment with other work and funding sources, a plan may include:

- A demonstrable commitment and credible strategic approach to collaborative working with a clear purpose and rationale
- Clear information on the collaborative activities that are in place or are in development, including the organisations and networks involved, what the collaborative partnerships are seeking to achieve and the shared goals that have been agreed
- A description of a provider's work with schools, colleges or other educational organisations demonstrating continuous improvement including a providers work to raise prior attainment in schools and colleges
- Clear information on a provider's engagement with OfS-funded programmes such as the NCOP, outreach hubs, and local graduates where applicable
- A description of the provider's work with students in developing a whole provider approach, seeking collaboration opportunities across the full student experience. This may alternatively be detailed in the students' consultation section of the plan.

119. Providers in receipt of NCOP funding, local graduates Challenge funding<sup>26</sup> or other public funding should describe the relationship between this funding and access and participation plan activity.

120. Providers who are submitting an access and participation plan for the first time may not yet have collaborative relationships in place. It is expected that these providers set out how strategic collaborative relationships will be developed.

121. Higher education providers with the capacity and capability to sponsor an academy or establish a free school are encouraged to do so. However, providers can support state schools where there are a high proportion of underrepresented students through other forms of sustainable and reciprocal partnerships which draw on the expertise and specialisms they have available. These may be professional or pedagogical such as through teaching, curriculum, leadership, or other targeted partnership activity. Providers must state their evidence-informed theory of change detailing how the collaboration with schools is related to

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<sup>26</sup> See [www.officeforstudents.org.uk/publications/ofs-challenge-competition-industrial-strategy-and-skills-support-for-local-students-and-graduates/](http://www.officeforstudents.org.uk/publications/ofs-challenge-competition-industrial-strategy-and-skills-support-for-local-students-and-graduates/)

increased access to higher education and where there are measurable intermediate and longer term outcomes. See OfS 2019.06<sup>27</sup> for more information on these types of support.

122. The OfS expects providers to demonstrate continuous improvement in relation to their strategic relationships with schools and colleges and in raising prior attainment activity. This may be defined in their plans as refining an activity so it has greater impact, or increasing the scale of an activity while maintaining impact.
123. The OfS expects providers who have a greater emphasis on the recruitment of young students, and who choose to be highly selective in terms of academic grades or specialist skills of their entrants, to invest greater resource in strategic relationships with schools to support fair access to higher education.
124. Providers with large populations of mature learners may have a greater emphasis on developing strategic relationships with further education colleges, other education providers, employers and employer groups, professional bodies and community groups.
125. Specialist providers may focus their activity on raising attainment in the skills required for entry, such as in the arts or agriculture. Providers of this nature may need to collaborate to overcome issues of limited resource, addressing grass-roots issues and national coverage.
126. The OfS expects providers who are submitting an access and participation plan for the first time to set out how they intend to develop relationships with schools or colleges in a way that is appropriate to the provider's subject mix and student cohort.
127. More information on collaboration and ensuring complementarity with other activity can be found in OfS 2019.06.

## Student consultation

A plan must demonstrate how students have had the opportunity to express their views about the content of the plan before it was submitted for approval, and what steps were taken as a result. If the views of students have not resulted in any steps being taken, the plan must include an explanation of why students' views have not been followed.

The OfS expects this to include:

- Evidence of how students from a range of backgrounds have been involved in the design, implementation and evaluation of the plan
- A description of the mechanisms in place for students to engage in a meaningful way.

A plan may include:

- A separate student submission regarding the provider's plan to be submitted with the plan

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<sup>27</sup> Available at [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)

- A description of the provider's collaboration with students unions or associations
- A description of channels available for student feedback
- Provision of appropriate training for student representatives to enable them to make meaningful contributions (such as equality, diversity and inclusion training or interpreting data training)
- Details about how students have been or will be included on decision-making panels
- A demonstration of how students contribute to a whole provider approach to access and participation.

128. Students make a significant personal and financial investment in their studies and are active and engaged members of providers' learning communities. The OfS expects, therefore, that providers involve students as active partners and co-creators in developing, implementing and evaluating access, success and progression work.

129. Achieving a diverse range of views can be challenging, but the OfS expects all providers to demonstrate that there are mechanisms in place to allow all students the opportunity to express views. Where the provider population is demonstrably diverse, providers should be actively seeking a representative view from different sections of the student body.

130. It is important that students have meaningful and informative opportunities to feed into plans. The OfS would normally expect providers to collaborate with student unions or student representatives, though it is recognised that there are other ways of engaging with students.

131. The OfS encourages students, student unions and student representatives to comment on the way they have been consulted and involved in their provider's access and participation work. This information may be provided within the access and participation plan or as a separate submission appended to the provider's access and participation plan. If provided, the OfS will use this information as supporting evidence in assessments to understand whether the plan has met the student consultation and involvement expectations set out above. Providers must make this opportunity clear to their students, student unions or other representative bodies.

132. See OfS 2019.06 for information on effective practice on student consultation<sup>28</sup>. This also includes further information for student unions and representatives.

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<sup>28</sup> Available at [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)



## Evaluation strategy

A plan must include:

- A description of a robust and credible evaluation strategy which demonstrates continuous improvement in practice for the duration of the plan
- A description of the mechanisms in place to enable the outcomes of evaluation to influence practice.

The OfS expects this to include:

- An evaluation strategy, informed by a provider's self-assessment of their approach to evaluation
- Information about how the provider will evaluate the impact of those areas where they are investing heavily
- A description of how the provider uses evidence and evaluation findings to inform programme design targeting underrepresented groups for whom the largest gaps in access, success and progression have been identified.

A plan may include:

- An overview of findings from completed self-assessment tools (see paragraphs 138 to 139)
- A description of how a provider has used the OfS financial support evaluation toolkit
- A description of collaboration between providers (for example, sharing good practice or developing evaluation centres)
- A description of the process a provider has, or plans to have, in place to share findings both internally and externally.

133. Evaluation is crucial for an evidence-led, strategic approach to access and participation, and an essential element of the OfS expectations for continuous improvement from all providers.

134. It is essential that providers invest in activities and support that will have the greatest impact on the groups of students and the stages of the student lifecycle where they identify the need for most improvement. The OfS expects access and participation plans to demonstrate how evidence and evaluation has informed decisions on where to invest in activity and the design of these activities. See OfS 2019.06<sup>29</sup> for more information on using evidence to inform strategy.

135. The OfS expects providers who are submitting an access and participation plan for the first time to describe how they will use evidence to inform the development of their activities. The

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<sup>29</sup> Available at [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)

OfS also expects them to describe how they will gather evidence as their activities progress, and how they will act on the findings.

136. Providers should demonstrate how they will evaluate the impact of those areas where they are investing heavily. For example, providers who offer financial support are expected to demonstrate how evidence is used to target such support<sup>30</sup>. Providers are encouraged to use the toolkit resources<sup>31</sup> that the OfS provides to evaluate the impact of the financial support they give to students. If providers choose to use other methods, they must provide evidence that they are robust.
137. Providers are expected to demonstrate that the methods by which they evaluate the impact of their access, success and progression activities and financial support are appropriately robust and focused on impact in terms of demonstrable changes in behaviour (such as improved access, continuation, attainment, progression to postgraduate study and graduate employment) rather than, for example, solely gathering opinions from students.
138. When developing evaluation strategies, the OfS expects providers to undertake a self-assessment of their approach to evaluation. We expect this to cover the following areas:
  - a. The strategic context in which evaluation is undertaken
  - b. How evaluation and evidence shape current programme design
  - c. How evaluations are designed
  - d. How evaluations are implemented
  - e. How learning from evidence and insight from evaluation shape improvements.
139. Providers are encouraged to use the OfS self-assessment of evaluation tool<sup>32</sup>. If they use other methods to assess their approach to evaluation, providers must supply evidence that these are robust and comprehensive.
140. Where providers undertake evaluation of activity that does not directly impact on their own organisation, they may implement, in collaboration with partners where appropriate, a range of evaluative methods – both qualitative and quantitative – to demonstrate the impact of such activity.
141. Providers may include a description of the current or planned processes to share findings both internally and externally.

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<sup>30</sup> For more information on using evidence to target and evaluate financial support, see [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)

<sup>31</sup> The toolkits are available at [www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/evaluation-and-effective-practice/](http://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/evaluation-and-effective-practice/)

<sup>32</sup> The tool is available at [www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/evaluation-and-effective-practice/](http://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/evaluation-and-effective-practice/)

142. Regulatory advice 6: How to prepare your access and participation plan - Effective practice advice (OfS 2019.06)<sup>33</sup> gives further advice on effective practice in evaluation.

### **Monitoring progress against delivery of the plan**

A plan must include:

- How the governing body is engaged with the monitoring of performance and provisions of the plan
- How students are engaged with the monitoring of performance and provisions of the plan
- Who at the provider is responsible for monitoring
- How progress against the plan will be monitored, and what action will be taken if progress is worsening
- How monitoring is embedded across the provider.

143. Monitoring is distinct from evaluation in that monitoring is conducted on a routine basis often at leadership meetings and looks at progress against targets and other commitments made in a plan. Evaluation is a periodic activity looking at the impact of specific activities.

### **Investment**

The targets and investment plan must include an estimate of a provider's level of investment in addressing the gaps in access and participation for underrepresented groups.

This spend must be disaggregated into:

- Access – categorised by pre-16 activity, post-16 activity and work with adults and communities
- Financial support
- Evaluation and research.

The investment recorded must only relate to the work delivered to support underrepresented groups.

144. For the OfS to assess the credibility of a plan, providers will need to include an estimation of their level of investment disaggregated as specified in the box above.

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<sup>33</sup> Available at [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)

145. Providers will not be asked to report on investment on student success and progression. However, providers should ensure that they understand their investment across the student lifecycle in order to:
- assure themselves that their investment in all aspects of access, success and progression is sufficient to ensure their plan is credible
  - robustly evaluate and assess the effectiveness of the investments they make across the student lifecycle
  - respond to OfS enhanced monitoring or specific conditions of registration requirements (see paragraphs 65 to 67)
  - respond to revised reporting requirements on investment should the OfS determine, through evaluation, that the decision not to collect information on investment in success and progression is detrimental to its strategy.
146. There is no set expectation on the amount of money providers must invest, because the primary focus for the OfS is on the outcomes achieved for students. Providers must invest enough to demonstrate that a plan is credible. This is assessed as whether the intended investment is sufficient to deliver the strategy set out in a provider's plan.
147. If a provider drops its spend significantly in access or student financial support from previous access and participation plans, and does not provide a credible rationale for doing so, this may affect the OfS assessment of approvability and risk. Providers are reminded that they are required to take 'all reasonable steps' to comply with their plan and, in line with the approach taken in other legal and regulatory contexts, the OfS takes the view that, to some extent, this compliance standard is likely to require the provider to sacrifice commercial or monetary interests.
148. Providers may be asked to give more detailed information about investment as part of enhanced monitoring or a specific ongoing condition of registration. This may be the case where a provider is considered to be at increased risk of breach of condition A1 or is not seeing improved outcomes for underrepresented students in monitoring. Please see **Part B** of this document for further detail on our assessment of credibility and risk.
149. The investment recorded should be focused on 'qualifying persons' on 'qualifying courses' as defined by The Higher Education (Fee Limit Condition) (England) Regulations 2017 (SI 2017/1189). In addition, providers may include spend on the following groups:
- Students studying at an intensity of less 0.25 full-time equivalent
  - Students studying on, or targeted activities to promote access to, higher degree apprenticeships.
150. A summary of the information provided in the targets and investment plan (tables 4a and 4b) will be appended to the plan and therefore providers do not need to include this information in their plan.

## **Expenditure on access**

151. Providers must include an estimate of their investment. The OfS expects providers to include **all** expenditure on activities and measures that support the ambitions set out in an access and participation plan, where they relate to access to higher education.
152. Access spend will be disaggregated by post-16 activities, pre-16 activities and work with adults and communities. There is an option in the targets and investment plan to include access spending that is not targeted at a particular age group. However, we would not expect providers to record significant levels of spending in this category.
153. Of the total expenditure on access measures, providers must include a breakdown of the sources of funding. Providers will need to categorise funding by the following categories:
  - a. Higher fee income
  - b. Other funding including OfS funding (but excluding NCOP), other public funding and funding from other sources such as philanthropic giving and private sector sources/partners.

## **Financial support for students**

154. Providers must include an estimate of their investment in financial support. Providers should only include investment on financial support directed at underrepresented and disadvantaged groups. The OfS expects that provider's financial support is tightly targeted at these students and provided to address specific barriers known to exist for underrepresented groups.

## **Evaluation and research**

155. Providers must include an estimate of their investment in research and evaluation. This may include relevant staffing costs, the cost of gathering and analysing data, subscriptions to tracking services, and research projects.
156. Providers may record the cost of evaluating and researching all stages of the student lifecycle within evaluation and research investment.
157. The OfS does not require providers to break down the source of funding for evaluation and research. Providers may include investment from any source providing it is evaluation and research that supports the delivery of the access and participation plan.

## **Provision of information to students**

A plan must contain:

- Details of the arrangements in place to ensure that prospective students are provided with information about the fees they will be charged for the duration of their course

- A commitment that providers will make available to students, information about the financial support that students are entitled to as a result of the provisions within an access and participation plan. This must include the eligibility criteria and set out the level of financial support students from underrepresented groups will be offered in each year of their studies.

## **Fees**

158. As set out in The Higher Education (Access and Participation Plans) (England) Regulations 2018, the plan must set out the arrangements in place to make available to prospective students, before they commit themselves to undertake a higher education course at the provider, information about the aggregate amount of fees that the institution will charge for the completion of that course.
159. The provider must ensure that the information it provides to prospective students in respect of the fees charged for the duration of the course is clear and accessible.

## **Financial support**

160. The OfS expects providers to describe how they will ensure that the process for applying for financial support is clearly explained for students and prospective students. If providers automatically assess students' eligibility for financial support using information provided on the student loan application form, this must be accessible and clearly stated to students. Providers must make it clear to their students or prospective students if it relies on them agreeing to share their financial information.
161. Continuing students must continue to receive the financial support that was advertised to them when they applied, subject to any inflationary increases or decisions to increase the support offered. Providers must not reduce the package for any continuing student for which it made provision within a previous access agreement or access and participation plan.

## **Supporting documents**

Providers must complete the supporting Excel documents:

- Targets and investment plan
- Fees information

## **Targets and investment**

162. A provider's supporting documentation is part of the access and participation plan submission. The information provided will be assessed and form part of the Director for Fair Access and Participation's decisions related to approval of the access and participation plan and the OfS's assessment of risk of a future breach of condition A1.
163. The OfS will publish fee information (table 3), targets (tables 2a, b, and c) and investment information (tables 4a and 4b) as part of a provider's access and participation plan, if the plan is approved. Providers do not need to include this information in the written text of their access and participation plan.

164. It is a provider's responsibility to ensure it has correctly recorded the information provided in the supporting documentation.
165. The targets and investment plan will cover the duration of a plan whereas the fee information will be revised on an annual basis. Providers will be notified when and how to update this information in due course.
166. For detailed advice on completing the targets and investment plan refer to **Annex B**.
167. For detailed advice on completing the fee information refer to **Annex C**.

### **Tuition fees**

168. A provider's fee information must include information on:
- a. The level of tuition fees for the first year
  - b. How, if at all, fees may change for future years
  - c. How any such changes will be calculated.

# Annex A: Extract from The Higher Education (Access and Participation Plans) (England) Regulations 2018

1. The following text is taken from the regulations approved by Parliament in relation to the content of access and participation plans that comes in to force in April 2018.
2. The full regulations can be found at [www.legislation.gov.uk/uksi/2018/470/contents/made](http://www.legislation.gov.uk/uksi/2018/470/contents/made).

## Content of plans

2.—

(1) A plan relating to an institution must set out the objectives of the institution, determined by its governing body, relating to the promotion of equality of opportunity.

(2) A plan relating to an institution must include provisions requiring the governing body of the institution to do the following—

(a) to take, or secure the taking of, the measures set out in the plan to attract an increased proportion of its total number of applications from prospective students who are members of groups which, at the time when the plan is approved, are underrepresented in that institution or in higher education;

(b) to take, or secure the taking of, the measures set out in the plan to support successful participation in higher education by specified prospective students and students;

(c) to provide, or secure the provision of, the bursaries and other forms of financial assistance set out in the plan to students undertaking a higher education course at the institution;

(d) to make the arrangements set out in the plan to make available to students undertaking a higher education course at the institution and prospective students wishing to undertake such a course information about financial assistance available to them from any source;

(e) to make the arrangements set out in the plan to make available to prospective students, before they commit themselves to undertake a higher education course at the institution, information about the aggregate amount of fees(b) that the institution will charge for the completion of that course;

(f) to monitor and evaluate, in the manner set out in the plan—

(i) its compliance with the provisions of the plan; and

(ii) its progress in achieving the objectives set out in the plan by virtue of paragraph (1);

and

(g) to provide the OfS with such information as it may reasonably require from time to time regarding the contribution that the institution has made towards furthering equality of opportunity.

(3) The measures referred to in paragraph (2)(b) may include the provision of appropriate assistance to students during higher education courses regarding the educational, employment or other opportunities that may be available during or after completion of those courses.



(4) In paragraph (2)(b) “specified prospective students and students” are prospective students and students who are members of groups which, at the time when the plan is approved, are underrepresented amongst those who—

(a) complete higher education courses at that institution or at registered higher education providers; or

(b) otherwise participate successfully, in the view of the OfS, in higher education provided by that institution or by registered higher education providers.

# Annex B: Guidance on completing your targets and investments plan

## General notes for completing all tables

1. Please do not copy and paste cells within the workbook as this can corrupt or overwrite the validation checks. However, it is possible to copy and paste into the white formula bar box (which can be found just below the command ribbon at the top of the Excel window).
2. Providers should enter data into all white cells. Orange cells will be auto-populated.
3. The OfS will publish the information providers submit in table 2a (access targets), table 2b (success targets), table 2c (progression targets) and tables 4a and 4b (investment summary) as part of each provider's access and participation plan. The OfS will also publish a financial information summary in an outcomes report.

## Cover sheets

### Actions

Where providers wish to draw attention to a particular part of any sheet, they may use the comments box (columns F and G).

4. The cover sheet aids validation. It will show which sheets are incomplete by highlighting column B in red, populating the status column as 'complete' or 'incomplete'. The validation checks at the top of the corresponding sheet will be highlighted to indicate where the sheet contains missing or incomplete data.
5. Once the plan has been successfully completed, workbook validation will read 'Passed'.

## Table-by-table guide to completing targets and investment plan

### Table 1: Fair processing notice and contact details

### Actions

Providers must submit the names and contact details of two people who can be contacted to discuss the information provided in the access and participation plan and supporting documents.

- The main contact must be the Accountable Officer
- The alternative contact should be the lead on the access and participation plan.

## Tables 2a, b and c: Targets

### Actions

All providers must set targets that directly reflect their strategic aims and objectives and the areas for development identified in the assessment of performance.

6. Information on our expectations of targets can be found in the 'Targets' section on page 23 of this guidance.
7. Targets should be split by student lifecycle. Table 2a focuses on targets related to access, table 2b focuses on targets related to success and table 2c focuses on targets related to progression.
8. All targets must include:
  - a. The aim of the target. The 'aim' should be written to clearly identify what the target is trying to achieve. For example, an aim would be to close the gap between POLAR4 Q1 and POLAR4 Q5 students
  - b. A target group which must reflect areas for improvement identified in the assessment of performance
  - c. A description of what the target will measure. For example, the percentage difference between POLAR4 Q1 and POLAR4 Q5 students
  - d. Details of whether or not the target is collaborative
  - e. The data source used to measure the target, for example external data such as HESA or internal data. A drop-down has been provided. If internal or other data is being used, select 'other data source' and use the commentary column to describe the data
  - f. A baseline year: this is the year the data is being drawn from
  - g. Baseline data: this is the data from the baseline year
  - h. Milestones set across five years.
9. The commentary box (column P) is optional and may be left blank where providers do not feel commentary is necessary. These targets must be statistical and measure performance for particular groups or subgroups of students that face underrepresentation. Providers may choose to focus targets on specific groups, or on reducing disparities between groups or subgroups.
10. The OfS expects targets to be outcomes focused. Therefore there should be no input or output targets. In addition there should be very few, if any, activity level targets. See paragraph 98 to 99 for more information.

11. The tables contain examples of targets based on the OfS key performance measures to illustrate how providers' targets can be formulated. Where applicable, providers can use these example targets as part of their own suite of targets to demonstrate how they will contribute to the sector-wide priorities the OfS has identified.

### **Table 3a: Higher fee income (£)**

#### **Actions**

Providers must record their higher fee income projected for the five year period. Providers should use the higher fee income calculated in table 5b of the fee information document.

12. These figures will be used to populate other cells in the plan, therefore providers must ensure that the figures are consistent with table 5b of the fee information document.

### **Table 3b: Access investment forecast**

#### **Actions**

In table 3b, providers must record their forecast for their total investment in access activities and support measures for each year, from all funding sources.

Access spend must be disaggregated by pre-16 activity, post-16 activity and work with adults and communities. We would not expect significant amounts of investment recorded in the access (other) category. Providers should only use this category when they cannot attribute investment to another category. Use the commentary box to provide an explanation of the investment.

Providers must record their total investment as well as how much of the access activity investment in each year will be:

- Funded by higher fee income
- Funded by other sources (including OfS funding but excluding NCOP, other public funding and funding from other sources such as philanthropic giving and private sector sources/partners).

Do not leave any blank cells in table 3b – where there is no figure to input, use 0 (zero).

13. Table 3b records a provider's total investment in access activities and support measures from all sources of funding. This will enable the OfS to collect consistent information across the sector to assess and understand investment in access.

14. Investment from higher fee income must only relate to work delivered to support underrepresented groups and is designed to address the gaps you have identified in your assessment of performance<sup>34</sup>.
15. Against each activity category, providers must forecast the total amount that will be invested in activities. This may include OfS grant allocations (excluding funding for the NCOP), other public funding and funding from other sources such as philanthropic giving and private sector partners, and how much of the activity investment is made through higher fee income.
16. The information provided in these tables will be assessed and form part of the Director for Fair Access and Participation's decision related to approval of the access and participation plan and the OfS's assessment of risk of a future breach of condition A1.
17. If there are significant fluctuations in levels of investment between years, providers should provide an explanation in the commentary box.

### **Table 3c: Financial support investment forecast**

#### **Actions**

Providers must record their forecast for investment in financial support for underrepresented students.

Expenditure should be recorded by the following types:

- Bursaries, scholarships and 'in-kind' support (for example, discounts on accommodation or other institutional services such as providing laptops for students)
- Fee waivers (including free or discounted foundation years)
- Hardship funds.

Expenditure should be split into the student categories listed. Expenditure should only be recorded for the following students:

- Students who are entitled to the higher rate of student loan. In 2019-20, this figure was household income below £25,000
- Students from other underrepresented groups. Only include students in this category when:
  - The household income is unknown and you cannot make estimates

<sup>34</sup> For more information on the types of activity that is countable, see page 19 of Regulatory advice 6: How to prepare your access and participation plan - Effective practice advice. Available at [www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/](http://www.officeforstudents.org.uk/publications/regulatory-advice-6-preparing-your-access-and-participation-plan-effective-advice/)

- A student is not entitled to the higher rate of loan, but parents are not expected to make a contribution towards the living costs of their student children. In 2019-20, this figure was household income between £25,001- £45,875
- A student is in neither a. or b. above but was from another underrepresented group.

Record your total investment as well as how much of the financial support investment in each year will be:

- Funded by higher fee income
- Funded by other sources (including OfS funding but excluding NCOP, other public funding and funding from other sources such as philanthropic giving and private sector sources/partners).

Do not leave any cell in table 3c blank – where there is no figure to input, please use 0 (zero).

18. This table will enable the OfS to understand how financial support at each provider is targeted, and what types of financial support packages are on offer.
19. Where possible, record forecast financial support investment by the income group of the beneficiary (e.g. in 2019-20 those with a household income of less than £25,000), rather than as ‘students from other underrepresented groups’.
20. Where there is a sub-contractual arrangement, the lead provider should include any investment in financial support for students on their sub-contracted courses.

### **Table 3c: Research and evaluation investment forecast**

#### **Actions**

Providers must record an estimate of their total investment in research and evaluation.

Providers should record their total investment as well as how much of the research and evaluation activity investment in each year will be:

- Funded by higher fee income
- Funded by other sources (including OfS funding but excluding NCOP, other public funding and funding from other sources such as philanthropic giving and private sector sources/partners).

Providers do not need to disaggregate between research and evaluation.

Do not leave any cell in table 3d blank – where there is no figure to input, please use 0 (zero).

21. Where monitoring and evaluation is built into the cost of activities, estimate the proportion spent on monitoring and evaluation, record it within research and evaluation and deduct it from access investment to avoid double counting.

### **Tables 4a-d: Investment summary**

#### **Actions**

Tables on this sheet are auto-populated using the data provided in tables 3a-d.

Providers must check that the summary data fits its understanding of the balance of investment and the total investment as a proportion of higher fee income. If it does not, the provider must review the data entered in the investment tables.

22. These tables will be published annually and alongside a provider's approved access and participation plan.

### **Validation and sign-off**

#### **Actions**

The Accountable Officer must confirm that all the information provided has been internally validated and the information has been signed off and approved as correct.

23. Each access and participation plan and targets and investment plan must be approved by the provider's Accountable Officer.
24. Providers must confirm that their governing body has approved the plan by ticking the box in cell C10.
25. It is up to each provider to determine its own process for checking the accuracy of the information it provides. This could be through internal audit, a report to the head of the provider, a governors' group or a steering committee. All information is subject to audit and providers must ensure that the way information is validated meets internal audit requirements.

# Annex C: Guidance on completing the fee information document

**Table 1: Fair processing notice and contact details**

## Actions

Providers must submit the names and contact details of two people who can be contacted to discuss the information provided in the access and participation plan and supporting documents.

- The main contact must be the Accountable Officer.
- The alternative contact should be the lead on the access and participation plan.

**Table 2: Full-time fees**

1. The basic and higher fee caps are prescribed by the Secretary of State in regulations made under the Higher Education and Research Act 2017 and may change from time to time, e.g. each year. For reference, these fee caps are normally published on the OfS website<sup>35</sup>, but it is the responsibility of the provider to ensure that they are aware of changes in the law affecting the fee caps.
2. The government held a consultation on the provision of accelerated degree courses in higher education, including a proposal that the annual higher and lower amounts allowed for accelerated provision in each academic year should be set at a level greater than the fee cap for longer courses. While the fee levels for the 2020-21 academic year are yet to be set by government, the consultation proposes the following higher fee levels for these courses:
  - No TEF award £10,800
  - TEF award £11,100

Therefore, providers must base their fee information for accelerated courses on these limits.

## Actions

Using the drop-down, providers should indicate whether a TEF award is held or expected in the year in which the plan commences.

Using the drop-down, providers should indicate whether they intend to, or may, increase fees annually with inflation. If a provider chooses 'Other inflationary statement', it must use the commentary box to provide a statement.

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<sup>35</sup> See [www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/access-and-participation-plans/faq/](http://www.officeforstudents.org.uk/advice-and-guidance/promoting-equal-opportunities/access-and-participation-plans/faq/)



Providers must complete the estimated number of full-time students at each fee level. This should be a count of all students for each academic year, not just new entrants.

Providers must ensure that they include all course types that will run from the first year of the plan onwards. For example, include both sandwich years and Erasmus/study abroad years.

Providers must include all qualifying students on qualifying courses that will be studying at the provider.

Providers must not account for fee waivers, where relevant, in this table – these should be recorded in table 3c of the Targets and investment plan.

3. Table 2 provides a forecast of student numbers at each fee level charged. Information provided in these tables can be used to calculate the amount of higher fee income (HFI) at each provider, and to state the fees that will be charged for each course type for new entrants. This table will be updated annually to reflect the current academic year of the plan.
4. In column C, select a course type from the drop-down list:
  - First degree
  - Foundation degree
  - Foundation year/Year 0
  - HNC/HND
  - CertHE/DipHE
  - Postgraduate ITT
  - Accelerated degree
  - Sandwich year
  - Erasmus and overseas study year
  - Other.
5. Where different fees are being charged for the same course type, enter each course fee in a different row.
6. Use the additional information column (D) to distinguish between fee levels for the same course type. Descriptions must be free of abbreviations and technical language so that potential students and the wider public can understand it easily.
7. Use column E to identify if the course is delivered through a sub-contractual arrangement. Populate column F with the sub-contractual partner's UKPRN. Column G will auto-populate based on the UKPRN. If there are courses taught at the provider that are delivered on behalf

of another organisation as part of a sub-contractual agreement, these do not need to be entered in this table. These courses will be recorded in the lead provider's access and participation plan.

8. Enter the course fees in column N for all full-time courses, including courses charged below the basic fee cap, as well as those charged above. Any course fees that are below the basic fee will be highlighted in blue.
9. In columns H to L provide a forecast of student numbers across a five year period. Each column represents all students in the academic year, not just new entrants.
10. In column M, providers should use the drop-down list to indicate where this fee is one that will be charged to new entrants in the year in which the access and participation commences.
11. When completing these tables, it may be useful to start by listing each course type and fee level that will be charged in the academic year in which the plan commences. The OfS wants to understand where providers have different fees for each course type. Providers may have more than one fee against a single course type because:
  - they charge different fees depending on subject, faculty, location or some other variable.
  - they have increased fees year on year for entrants; for example, they may have first year students paying one fee, second year students paying another, third year student paying yet another fee and so on.
12. Once all data relating to fees charged in the academic year in which the plan commences has been entered, across the entire cohort, providers must project student numbers forwards. Forecasts for student numbers should only be based on the fees charged in the academic year in which the plan commences. Do not attempt to forecast what fees may be charged in subsequent year, either due to increased fees for new entrants, or due to inflationary increases for continuing students. However, please do include any anticipated growth or decline in student numbers in the forecast. This will provide the OfS with a 'steady state' forecast of each provider's student numbers and higher fee income, based on fee levels in the academic year in which the plan commences.
13. The information you enter in these tables will be used to auto-populate tables 4a and 4b. These tables will be published as part of your access and participation plan document. Ensure that text you enter in the additional information column (column D) to distinguish between fee levels for the same course type is free of abbreviations and technical language, and that it can be easily understood by potential students and the wider public.

### **Examples of completing a fee table**

14. Below is an example of a provider with students on the same course type being charged different fees depending on the year they started their course. In this example, each fee has been entered on a different row. It is possible to see the forecast student numbers for previous fee levels gradually decline, while the student numbers for the 2020-21 entry fee gradually increase:

## Example 1

Course type	Where you charge a range of fees for the same course type, please provide more information e.g. subject or faculty groupings.	Total predicted number of qualifying students in each academic year					Does this fee apply to 2020-21 entrants?	Course fee and fee caps (£)
		2020-21	2021-2022	2022-23	2023-24	2024-25		Course fee
First degree		1000	0	0	0	0	No	£7,000.00
First degree		1000	1000	0	0	0	No	£7,500.00
First degree		1000	1000	1000	0	0	No	£8,000.00
First degree		1000	2000	3000	4000	5000	Yes	£8,500.00

The example below shows a provider that has two fee levels for different bachelor degrees, which differ by subject, faculty or some other variable. Each fee must be recorded on a separate row, using column D to describe what the fee applies to:

## Example 2

Course type	Where you charge a range of fees for the same course type, please provide more information e.g. subject or faculty groupings.	Total predicted number of qualifying students in each academic year					Does this fee apply to 2020-21 entrants?	Course fee and fee caps (£)
		2020-21	2021-2022	2022-23	2023-24	2024-25		Course fee
First degree	Course fee level A	1000	1000	1000	1000	1000	Yes	£9,250.00
First degree	Course fee level B	1500	1500	1500	1500	1500	Yes	£8,500.00

In all cases, column M in Table 2 should be used to indicate where the fee recorded is one that will be charged to 2020-21 entrants (as opposed to historical fees that are only being charged to continuing students who started in earlier years).

Where a fee is the same for new entrants in 2020-21 and students that started in earlier years, put all the student numbers on the same line and answer 'Yes' in column M.

Providers may take account of anticipated withdrawals by reducing the number of students in the following year. For example, if a provider had 100 students charged a particular fee and estimates that 10 might not continue into the subsequent year, it could exclude these 10 students from its numbers of students in that subsequent year.

If a particular course type is not entered, the OfS will assume that this course type is not run at the provider and the provider will not be able to charge above the basic fee for this course type.

## Table 3: Part-time fees

### Actions

For the purposes of this table, the OfS only needs to know the fees for a provider's part-time qualifying courses by course type. Providers do not need to disaggregate between different intensities of study. Providers only need to record courses where they charge part-time students above the basic fee level.

Providers must not account for fee waivers in this table – these can be recorded in table 3c of the targets and investment plan.

- For part-time students, the full-time equivalent (FTE) fee means the fee per 120 credits (equivalent to a full year of study), or fee for the duration of the programme if fewer than 120 credits. The FTE course fee is not regulated for part-time courses, but this information will enable the OfS to understand a provider's part-time fee structure.
- Providers should refer to the OfS website for current fee regulations regarding part-time students.

17. In column C, providers should list all courses for which a part-time fee will be charged. Use column D to indicate where part-time provision is delivered by a sub-contracted partner. The provider that delivers the provision does not have to enter anything in this column. Populate column E with the sub-contractual partner's UKPRN. Column F will auto-populate based on the UKPRN.
18. Use the additional information column (G) to distinguish between fee levels for the same course type. Descriptions must be free of abbreviations and technical language so that potential students and the wider public can understand it easily.
19. In column H, use the drop-down to indicate where this fee is one that will be charged to new entrants in the academic year in which the plan commences.
20. If a provider is unclear about whether it will have any part-time students paying more than the basic fee, the OfS recommends that it includes course type and fee information in table 3, to avoid having to seek approval retrospectively. This might apply, for example, where a part-time student took more modules in a year than was typical, or because they switched from full-time to part-time due to extenuating circumstances. In such circumstances predicted data or targets relating to such students would not be required, but the provider would need to report, in its monitoring return, on any unexpected spend that occurs.
21. The information providers enter in these tables will be used to auto-populate tables 4c and 4d. These tables will be published as part of providers' access and participation plan documents. Providers must ensure that text entered in the additional information column (column G) to distinguish between fee levels for the same course type is free of abbreviations and technical language, and that it can be easily understood by potential students and the wider public.

#### **Tables 4a-d: Summary of full-time and part-time course fee levels**

##### **Actions**

This table summarises the fees providers will charge to entrants in the year in which the plan commences only. The information provided in this table is generated from the information included in tables 2 and 3.

Providers must check that they have entered all course types and fees that will be charged to entrants in tables 2 and 3 as this information will be used to auto-populate the summary tables.

Ensure that any additional information provided in relation to fee levels is clear and free of technical language or abbreviations.

22. These tables will be published annually and alongside a provider's approved access and participation plan.

## Tables 5a and 5b: Students and income

### Actions

In table 5a, row 17, providers must forecast the total number of qualifying part-time students for each academic year. In row 18, providers must record how many qualifying students will be charged a fee above the basic rate.

In table 5b, record the forecast amount of higher fee income (HFI) that will be received from part-time (row 26) students who will be charged over the basic fee in each year.

23. Providers must not include students studying at an intensity of less than 25 per cent full-time equivalent, or students studying a course that leads to a qualification equivalent to, or lower than, one they already hold.
24. In the optional commentary box, provide an explanation if student numbers fluctuate over the five-year forecast. Providers with previous access and participation plans should also provide further information if the total number of students (full and part-time) charged above the basic fee has substantially changed from the forecasts made in previous access and participation plans.

## Validation and sign-off

### Actions

The Accountable Officer must confirm that all the information provided has been internally validated and the information has been signed off and approved as correct.

26. Each access and participation plan and fee information document must be approved by the provider's Accountable Officer.
27. Providers must confirm that their governing body has approved the plan by ticking the box in C10.
28. It is up to each provider to determine its own process for checking the accuracy of the information it provides. This could be through internal audit, a report to the head of the institution, a governors' group or a steering committee. All information is subject to audit and all providers must ensure that the way information is validated meets internal audit requirements.



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