

16 October 2020

Dear [Accountable Officer]

Coronavirus (COVID-19) outbreaks

I am writing to give you a short update on the actions the Office for Students (OfS) is taking in response to outbreaks of COVID-19 at registered providers.

We have previously written to you to set out our expectations in relation to the quality and standards of courses (3 April 2020) and consumer protection (10 June 2020). This letter does not change those requirements. We continue to take the position that we are unlikely to take regulatory action where a provider has acted in response to public health advice and where reasonable efforts have been made to protect the interests of students.

OfS actions following an outbreak

There is understandable concern from students and the wider public that compliance with public health measures should not lead to poor quality teaching and learning. We have been engaging with providers throughout the pandemic, but I wanted to set out the specific steps that we will now be taking to understand the actions of an individual provider that has had to make significant changes to their approach to teaching following a COVID-19 outbreak.

We will use the Department for Education's (DfE's) tiers of restriction (as set out in its recent guidance for higher education providers on reopening buildings and campuses¹) to act as a cue for engaging with you. This means that we will be likely to contact you if you have entered Tier 3 or Tier 4.

¹ See <https://www.gov.uk/government/publications/higher-education-reopening-buildings-and-campus/higher-education-reopening-buildings-and-campus>.

We understand the enormous pressures that you and your staff continue to face this year. When there is an outbreak you will be making rapid decisions in line with advice from public health authorities. We therefore intend to take an approach that minimises burden and will not be requiring any additional information from you in relation to compliance with our conditions of registration unless we identify concerns that our guidance has not been followed. If we contact you to discuss the steps you have taken, we intend to use these conversations to seek assurances that students will continue to receive high quality teaching and learning.

We will want to understand how you have informed students about possible changes to teaching in advance. We know that it will not be possible to foresee all future circumstances. However, where you have an agreed outbreak plan, we believe it is in students' interests to understand the range of possible actions you will take.

We will also be undertaking general monitoring activities. In particular, we will be looking at notifications we receive, monitoring available data that may indicate changes in student continuation, and undertaking additional polling to understand students' views of the digital learning available to them.

Additional information on COVID-19 cases

The Minister of State for Universities will be writing to you shortly regarding information that the DfE wishes to collect about the number of coronavirus cases that you have had reported to you.

The DfE has asked us to assist it with this collection of information and, given the exceptional nature of the current crisis, we have agreed to help facilitate this. For the avoidance of doubt, this data collection process is completely separate from our regulatory approach described above, and the information will be assessed and published by the DfE and not by the OfS.

This OfS collection mechanism will replace that currently run by the DfE, where higher education providers report direct to the department's [he.covidplanning](#) inbox. The DfE will take their final returns to that inbox from you early next week, following which you should report via the OfS collection tool.

Further actions the OfS is taking

I would like to draw your attention to two further steps that we will take in the coming weeks.

First, we will be hosting on our website resources for students on their rights during the pandemic. This will draw together information published by the Competition and Markets Authority, Department for Education, and the Office of the Independent Adjudicator. This is intended to help students navigate the guidance available to them. The guidance will continue to emphasise to students the importance of speaking with you in the first instance and using your internal complaints processes.

Second, in light of the disruption some students have experienced at the start of this academic year, we will be discussing with representative bodies the potential impact of changes in teaching

and learning on students' preparedness for assessment during, and at the end of, this academic year. We want to make sure that the necessary steps are taken to ensure that assessment will lead to reliable qualifications for all students this year.

Yours sincerely

Susan Lapworth
Director of Regulation