

Board Briefing-Sept 2021

Governance and Sector News-Report from the University Secretary

OfS Quality and Standards Consultation

On 20 July 2021 the OfS issued a consultation on Quality and Standards in higher education. The consultation contains five proposals and prompts 14 questions [with a number of sub-questions] for institutions to respond to. A response is required by 27 September 2021.

This consultation builds on the initial proposals about how the proposed approach would work in practice and how the OfS intend to interpret the requirements for individual providers. This includes:

- Having a principles-based approach to setting requirements for quality so they can be applied to all providers and courses. The intention, so the OfS states, is to grant significant latitude for institutions to decide the approach they wish to take rather than needing to follow prescriptive rules that may not be appropriate for each context.
- The requirements are expressed as minimum baselines so that students and taxpayers can be clear about the minimum they can expect from a registered provider. This means that the highest quality providers should normally expect to meet the OfS minimum requirements comfortably, allowing the OfS to focus regulatory attention on cases where courses fall below the minimum requirements or where there are concerns that they may do so.
- Setting out how the OfS will obtain advice on academic judgement.

The OfS is of the view that reviewing HE provision can be conducted within the scope of a revised set of the 'B registration conditions. They propose to maintain the subject matter covered by the existing B conditions, but revise those conditions to ensure the requirements are clearly expressed in a way that would allow the OfS to take action where this is necessary. This can be summarised as follows:

Proposal 1-for registered providers, three ongoing conditions of registration relating to quality and covering:

- i. Academic experience
- ii. Resources, support and student engagement
- iii. Assessment and awards.

Proposal 2-for registered providers, one revised ongoing condition of registration relating to standards that extends the definition of 'sector-recognised standards' to allow the regulation of undergraduate degree classifications.

Proposal 3-for providers seeking registration, two new initial conditions of registration that set evidence requirements in a way that is clearer and easier for high quality new providers to meet.

Proposal 4-revised guidance for each of these conditions that includes the approach to gathering evidence, assessment and compliance.

Proposal 4a-commission the designated quality body to provide evidence about compliance with the initial conditions for a provider seeking registration

Proposal 4b-operate a flexible risk-based approach to evidence gathering and investigation for registered providers

Proposal 4c: take account of a provider's compliance history in relation to the quality and standards conditions for the purpose of determining eligibility for other benefits of OfS registration

Proposal 5-the OfS will use its role as the body responsible for External Quality Assurance for integrated higher and degree apprenticeships to inform its judgements about condition B4.

The proposed conditions on academic experience of students deals with matters such as whether courses are up-to-date, do they provide educational challenge, are they delivered effectively, does it allow students to develop the skills they need for a successful career? In relation to assessment, the issues are whether students are assessed effectively, do academic regulations ensure that qualifications are credible to the public? The proposed conditions also cover resources and support for students from all backgrounds ensuring they have a high quality academic experience in practice, succeeding in and beyond their course. The OfS will have the authority to commission a quality review to provide evidence to inform their judgement about whether initial condition B7 is satisfied. This will be provided by the designated quality body.

There will be more detailed proposals for regulating student outcomes later in the year and at the same time the OfS will consult on its future approach to the TEF. These two consultations will be underpinned by a set of shared metrics that the OfS propose to use for both purposes. Submissions to the new TEF scheme look likely to open in summer 2022 and outcomes published in early in 2023. There will be other quality and standards related consultations due at a similar time, but the OfS is keen not to overload the sector.

The consultation is long and should be read in full but the proposals and consultation questions are summarised in Appendix A:

[OfS Consultation on quality and standards conditions \(officeforstudents.org.uk\)](https://www.officeforstudents.org.uk)

Higher Education (Freedom of Speech) Bill

Higher Education (Freedom of Speech) Bill is making its way through Parliament (currently in Committee). As reported in June, these proposals largely replicate the existing legal requirement on universities to uphold free speech within the law but with new provisions:

-Universities and Students' Unions can be fined if they are deemed by the Office for Students (OfS) to fail to uphold free speech sufficiently;

-there will be a duty to promote freedom of Speech and a requirement to extend the current provisions in the Codes of Practice;

-the right to bring a civil action for breach of these statutory duties will be created;

-the creation of a complaint scheme to be administered by the OfS through a new Director of Freedom of Speech and Academic Freedom;

-the free speech requirement will be extended to apply directly to Students' Unions, its members and external speakers.

Confirmation will be given when the Bill comes into effect.

Sexual harassment and violence on university campuses

The government is urging universities to ensure a zero-tolerance approach to all harassment and sexual misconduct and to ensure they have robust systems in place for reporting incidents where they do occur. The University has complied with the OfS request to publish a statement of expectations on harassment and sexual misconduct which may now be connected to the

Conditions of Registration. The Universities UK is in the process of preparing guidance on staff to student sexual misconduct which will be published soon.

Advance HE

Advance HE have published details of its Governor Development Programme for 2021/22:

Upcoming Governance Events	Date	More information
GDP: Induction to Higher Education Governance for new Governors (Online)	13 October 2021	Find out more
Audit & Risk Committees (Online)	20 October 2021	Find out more
New Governors of Scottish HEIs (Online)	21 October 2021	Find out more
Role and Responsibility of Staff Governors (Online)	11 November 2021	Find out more
Governance Conference 2021: Evolving Governance fit for our futures (Online)	18 November 2021	Find out more
Governance Professionals in HE (Online)	January 2022	Find out more
Student Governor 2 (Online)	26 January 2022	Find out more
Leading the Board - for new or aspiring Chairs (Online)	6 April 2022	Find out more
Governance in Wales (Online)	27 April 2022	Find out more

Clerks and Secretaries Network Event (Face to face)	11 May 2022	Find out more
Scotland Governance conference (Online)	19 May 2022	Find out more
Assuring Academic Outcomes and Student Experience (Online)	29 June 2022	Find out more
Chairs Development Programme	Spring 2022	Find out more

Other Advance HE events are available here:

[Development programmes, conferences and events | Advance HE \(advance-he.ac.uk\)](#)

Please let me know if you are interested in attending any of these.

OfS News

Regulation

Why students should have their say on how universities and colleges are regulated (<https://www.officeforstudents.org.uk/news-blog-and-events/blog/why-students-should-have-their-say-on-how-universities-and-colleges-are-regulated/>)

As a student, how do you know whether the course you choose is good quality? Do you feel confident that your university or college will support you throughout your time there?

Publications

Medical and Dental Students survey 2021

(<https://www.officeforstudents.org.uk/publications/medical-and-dental-students-survey-2021/>)

The Medical and Dental Students survey 2021 (MDS21) asks higher education providers in the UK to provide data on the intake of medical and dental students in the 2020-21 and 2021-22 academic years.

Higher Education Students Early Statistics survey 2021-22 (HESES21): Guidance for providers

(<https://www.officeforstudents.org.uk/publications/heses21/>)

This document is relevant to higher education providers that have registered with (or applied to register with) the Office for Students (OfS) in the Approved (fee cap) category and are seeking OfS funding for the 2022-23 academic year.

Web updates

Events: HESES21: essential updates for experienced staff recording and presentation slides added (<https://www.officeforstudents.org.uk/news-blog-and-events/events/heses21-essential-updates-for-experienced-staff/>)

Our boards and committees: board members and register of interests updated (<https://www.officeforstudents.org.uk/about/who-we-are/our-board-and-committees/>)

Student wellbeing and protection: briefing note published following a meeting with UK Healthy

Universities Network meeting and Universities UK on the intersection of sexual violence, alcohol and drugs at universities and colleges (<https://www.officeforstudents.org.uk/prevent-and-address-harassment-and-sexual-misconduct/resources-for-higher-education-providers/#General>)

Deadlines

27 September 2021: Consultation on quality and standards conditions

We undertook a preliminary consultation on a range of quality and standards issues during the winter of 2020-21. The current consultation takes forward some aspects of that consultation and makes more detailed proposals about new regulatory requirements.

28 September 2021: Higher education short course trial: Challenge Competition

Deadline for submission of bids for funding to develop higher education short courses at Levels 4-6 in government priority areas.

30 September 2021: Annual fee information collection

Any higher education provider holding an access and participation plan must annually return information on the fees it charges to students. Workbooks must be completed and submitted via the OfS portal by 1700 on Thursday, 30 September 2021.

A full list of deadlines and further information is available on our deadlines page

(<https://www.officeforstudents.org.uk/deadlines/>).

Jim Benson
University Secretary