

Chief executive's report

Board's primary role in relation to this paper:

- ☐ A. Set strategy
- ☐ B. Set risk appetite
- ☒ C. Oversee performance
- ☐ D. Understand context

Purpose

1. This paper provides an update on work undertaken and issues that have arisen since the last board meeting on 2 December 2024 to the extent that they are not covered in other board papers.

Decisions requested

2. The board is invited to note the updates contained in this paper.

Paper publication

3. To be published externally along with the board papers with appropriate exemptions.

For further information, please contact Susan Lapworth, Chief Executive.

Quality and standards

Our strategic goal is:

Students receive a high quality academic experience that improves their knowledge and skills, with increasing numbers receiving excellent provision.

Quality case work

4. In December 2024 we published regulatory case reports on our quality investigations relating to business and management courses at the University of Wolverhampton and the University of Bedfordshire. These set out our decisions relating to regulatory action arising from the previously published quality assessment reports.
 - a. For the University of Wolverhampton, the assessment report identified a concern about inconsistency of assessment practice.¹ We found that the university had breached condition B4 (assessment and awards). The case report set out how the university has since cooperated with the OfS and has taken actions that will be effective in remedying the breach.
 - b. The case report for University of Bedfordshire described our finding that the university had breached condition B2 relating to resources and support, drawing on evidence from the assessment report.² Since the quality assessment, the university has worked collaboratively with the OfS to produce plans designed to address these concerns and will periodically report to the OfS about the changes it is making. We will lift this enhanced monitoring when we are satisfied that the risks to students have been resolved or may consider further action if not.
5. Exempt from publication.

Our strategic goal is:

Students are rigorously assessed, and the qualifications they are awarded are credible and comparable to those granted previously.

Credibility of awards investigations

6. Exempt from publication.

Apprenticeship end-point assessments

7. We have completed 39 provider visits and signed off 30 reports. Year two of activity is underway with eight assessments in progress. We have made changes to the report structure

¹ See: <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/university-of-wolverhampton-works-with-ofs-to-remedy-concerns-about-quality-in-business-and-management-courses/>

² See: <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/of-s-to-conduct-enhanced-monitoring-of-university-of-bedfordshire/>

to simply and group the outcomes to improve the flow, reflecting learning from year one and we are currently updating our published guidance.

Our strategic goal is:

Providers secure free speech within the law for students, staff and visiting speakers.

Implementation of the Higher Education (Freedom of Speech) Act 2023

8. On 15 January the government announced decisions on the future of this legislation³ as follows:
- a. The main duties on providers and their constituent institutions to secure and promote free speech (including a code of practice and a ban on NDAs) will be commenced shortly.
 - b. The duty on the OfS to promote freedom of speech will also be commenced shortly. The role of the OfS free speech director has already been commenced and will continue.
 - c. Future primary legislation will bring into force an amended OfS free speech complaints scheme and provision for a condition of registration.
 - d. Future primary legislation will repeal the duties on students' unions and the provision for civil claims (the statutory tort).
 - e. A decision relating to the OfS's role in monitoring overseas funding has not yet been finalised.
9. We are currently working through the consequences of these decisions for our future regulatory activity. The board has been provided with a paper setting out more detail on these decisions and next steps for the OfS elsewhere on the agenda for this meeting.
10. Following the government's announcements, the hearing for the judicial review of the government's decision to revoke the commencement regulations for the Act has been delayed until at least July 2025.

11. Exempt from publication.

12. Exempt from publication.

Equality of opportunity

Our strategic goal is:

Students' access, success and progression are not limited by their background, location or characteristics.

³ See: <https://www.gov.uk/government/news/government-reaffirms-commitment-to-free-speech-in-universities>

13. We are currently assessing new access and participation plans for 2025-26 and beyond. As of 5 February, we have assessed and approved 178 of 194 plans. The assessment of six plans has been paused due to reprioritisation of registration cases.
14. On 11 December we published a theory of change for the future of collaborative outreach.⁴ This explained how we would like to structure a future version of the current Uni Connect programme which supports disadvantaged learners to access higher education. Delivery of this proposal depends on securing a multi-year funding settlement for a future collaborative outreach programme.

Our strategic goal is:

Prospective students can choose from a diverse range of courses and providers at any stage of their life, with a wide range of flexible and innovative opportunities.

Registration

15. On 2 December, we announced our decision to make temporary changes to registration applications. The decision was to temporarily stop accepting new registration applications and to pause our assessment of existing applications unless a decision to undertake a quality and standards assessment (QSA) had been made. There are 23 active assessments still in progress following this decision.
16. As a result of this decision, no further QSAs have commenced. We still have 10 QSAs in progress for registration. This number will reduce over the coming months as assessments are completed. Since December we have finalised one report, making a total of 13 finalised reports, five of which are now published following registration decisions.⁵
17. Exempt from publication. We have made two decisions to register two further providers, one with specific ongoing conditions relating to standards.

Degree awarding powers (DAPs)

18. The changes we announced in December also included a pause in DAPs applications where a decision to commence the full assessment had not yet been taken. We currently still have 17 open applications undergoing full assessment. This number will reduce over the coming months as assessments are completed.
19. Since December 2024 we have made two further provisional decisions, and final authorisation decisions for three cases. We have now completed 12 assessments, with three assessment reports published.

⁴ See: <https://www.officeforstudents.org.uk/publications/developing-a-theory-of-change-for-a-future-national-collaborative-outreach-programme/>

⁵ See: <https://www.officeforstudents.org.uk/for-providers/quality-and-standards/quality-and-standards-assessments-for-providers-applying-to-register/assessment-reports/>

Recurrent funding for 2024-25

20. Collection of the annual Medical and Dental Students survey was completed successfully, with UK medical and dental schools required to submit data on their student intakes for 2023-24 and 2024-25. This data was published as an official statistic on 13 December.⁶

Our strategic goal is:

Providers act to prevent harassment and sexual misconduct and respond effectively if incidents do occur.

Regulating harassment and sexual misconduct

21. The sexual misconduct survey pilot began in January 2025 and sessions with mission group and other sector bodies are planned for February. We currently expect to publish aggregate data from the 2025 survey at sector level, with breakdowns for different student characteristics. If data quality is sufficient, we will also consider publishing aggregate data at lower levels (for example, provider type or by geographical area).

Enabling regulation

Our strategic goal is:

Providers are financially viable and sustainable and have effective governance arrangements.

Consultation on revised initial conditions of registration

22. We have published a consultation on revisions to the initial conditions of registration relating to student protection and effective governance, and the requirements for a registration application.⁷ Our proposals would make it easier for well-prepared providers to register and would strengthen the requirements for providers applying to register to ensure that we have adequate assurance that arrangements are in place to protect student and taxpayers' interests, particularly in response to our concerns about misuse of public funding in the sector.
23. The DfE has published a separate consultation proposing that delivery providers in subcontractual arrangements with more than 300 students should be required to register with the OfS to continue to receive SLC funding.⁸ Exempt from publication.

Financial sustainability

24. We have received updated financial information for a large proportion of providers. This includes details of the last audited year (ending in 2024), the findings of the auditors and latest

⁶ See: www.officeforstudents.org.uk/data-and-analysis/official-statistics/published-statistics/

⁷ See: <https://www.officeforstudents.org.uk/publications/consultation-on-reforms-to-ofs-registration-requirements/>

⁸ See: <https://www.gov.uk/government/news/government-aims-to-crack-down-on-rogue-higher-education-operators>.

financial and student number forecasts to 2028-29. The data is rich and we are updating our analysis of patterns and trends. We will produce a comprehensive publication in May. Early trends from the data will be shared with the board as part of this meeting's agenda.

25. We are using this data to refresh our assessment of financial sustainability of individual providers, increasing our engagement with providers on their return and their management of financial risk. We are also building on our financial modelling to test exposure to risks of different kinds. The predominant risks continue to relate to income, and particularly the impact of volatility in recruitment, which was a significant feature in our previous financial sustainability reports in May and November 2024.
26. Following the temporary changes to registration and other applications announced in December, we have been able to redeploy staff to focus on direct engagement with providers on their finances. We have reallocated 33 FTE towards financial sustainability and market exit activity. We have benefitted from this additional direct engagement and it is improving our oversight of financial risk at providers.
27. We have commissioned five professional accounting services firms, under the framework agreement, to perform deep dive financial monitoring reviews at individual providers. Exempt from publication.
28. On 16 January, we published [a blog](#) describing our work on financial sustainability, as well as updates to the OfS website.⁹ The changes aimed to provide more detailed information about how we engage with providers on their financial sustainability and clarify what the sector can expect as we focus on this area over the coming months.

Protecting public funding

29. We have commenced data audits of three further education colleges and three other providers seeking assurance or otherwise on the quality of their student data. Exempt from publication.
30. Exempt from publication.

Our strategic goal is:

Students receive the academic experience they were promised by their provider and their interests as consumers are protected before, during and after their studies.

National Trading Standards cases

31. We continue to identify suitable cases for referral to National Trading Standards. We now expect to publish the outcome of the next batch of cases in March 2025.

⁹ See: <https://www.officeforstudents.org.uk/news-blog-and-events/blog/what-the-ofs-is-doing-to-help-universities-and-colleges-ensure-their-long-term-financial-sustainability/>

Our strategic goal is:

The OfS minimises the regulatory burden it places on providers, while ensuring action is effective in meeting its goals and regulatory objectives.

Data Futures

32. We reported to the board in December 2024 on continued challenges in the collection of timely and high quality student data returns via Jisc in the second year of implementation of Data Futures. At the time, 39 (out of 275) providers had required extensions longer than two weeks for submission of the 2023-24 Student return. 16 providers continued working past the final deadline of 29 November. By 20 December all but three providers had submitted and fully signed off the return. The remaining three providers provisionally signed off their data (to enable participation in the Graduate Outcomes and National Student Surveys, and onward use of the data for some publication purposes), but need to complete further work to ensure the data is fit for a wider range of purposes.
33. We have developed our regulatory strategy for late data returns and will be engaging providers and sector bodies to ensure we build legitimacy for the regulatory consequences that will follow from repeated lateness of the 2024-25 Student return later this year.
34. The independent report on the Data Futures programme by PwC was published alongside a statement from the steering group on 29 January. A copy of the report was distributed to board members at that time. The accompanying statement included a joint quote from the devolved nations, expressing commitment to advancing in-year data collections.

Efficient and effective OfS

35. We published the consultation on our proposed strategy for 2025-30 on 12 December.¹⁰ The consultation window will close on 20 February. We have held three feedback events aimed at university and college staff, as well as students and their representatives. A further event is scheduled on 11 February. Early insights from this engagement work will be shared with the board during this meeting.

¹⁰ See: <https://www.officeforstudents.org.uk/ofs-strategy-for-2025-to-2030/consultation-on-ofs-strategy-for-2025-to-2030/>