

OfS 2022-25 strategy consultation– University Alliance response

About us

University Alliance (UA) is the voice of professional and technical universities. We represent a group of large to mid-sized universities working at the heart of their communities. Alliance universities partner with industry and the professions to deliver the workforce of today and tomorrow through practical, skills-based learning and applied research. We welcome the opportunity to make a high-level submission to the Office for Students' 2022-25 strategy consultation.

Question 1

Proposal 1: Do you have any comments to make on the OfS's proposed strategy for 2022 to 2025 or the priorities set out within it?

Alliance universities are deeply committed to providing a high-quality academic experience for students, and we are supportive of the principles-based and risk-led approach to regulation outlined in the draft strategy. However, as a mission group of universities, we have concerns about three issues in particular:

- Regulatory burden
- Timing and sequencing of upcoming reforms
- Balance of priorities.

Regulatory burden

University Alliance strongly welcomes the stated aim to minimise the regulatory burden OfS places on providers, while ensuring action is effective in meeting its goals and regulatory objectives. However, there is little in the strategy to reassure us that a reduction in burden will in fact be forthcoming. With the regulatory baseline still to be defined, there is a lack of clarity about which providers and courses will be deemed low risk by OfS. Moreover, the increased focus on courses is difficult to meaningfully achieve without a significant increase in burden.

Two major planks of OfS regulation – Action and Participation Plans (APPs) and the Teaching Excellence and Student Outcomes Framework (TEF) are to be rewritten in the coming months, which will necessitate a significant increase in workload for providers, possibly at the same time. The former was particularly unexpected, with providers expecting to wait at least three to four years to revisit their five-year targets, which took many months to negotiate with OfS.

Plans are already underway to revise all the B (quality and standards) conditions, and the strategy also commits OfS to revisiting the registration conditions related to management and governance and updating the approach to protecting the interests of students as consumers. The regulator appears to be revisiting all of its regulatory activity at once, which will do little to lighten the regulator burden faced by providers. We would recommend further and regular interaction with the sector to ensure that providers will be able to deliver to overlapping deadlines. University Alliance will be pleased to assist through engagement with our members.

On top of this, OfS is expanding its remit to include free speech (with new powers forthcoming) and even the Government's manifesto commitment of 'levelling up.' It is unclear what regulatory activity OfS will stop doing to make room for all these new priorities and ensure value for money.

Finally, there is still too much scope for duplication of regulation between various regulators and sector bodies such as Ofsted, OIA, QAA and HESA. The relationship between OfS and other regulatory bodies remains ill defined. University Alliance would like to see more of a co-regulatory approach between OfS and other regulators that is aimed at reducing unnecessary duplication and red tape.

Timing and sequencing of upcoming reforms

Above we noted that the OfS is planning several significant regulatory reforms in the coming months. University Alliance is concerned about the timing and sequencing of these changes, and how they will interact with one another (notably the B3 condition, APPs and TEF). We have particular concerns about the timing of the latter, as providers will have a small window to engage with and undertake the new exercise. It is crucial that OfS considers the lessons learned from current APPs, works closely with providers, and continues to take a longer-term approach to the targets.

Although the delays to the quality and standards reforms are welcome as they provide the time and space for OfS to take a more coherent approach to the full suite of upcoming reforms, providers do need clarity on when these will become a regulatory requirement as soon as possible.

Finally, we query the notion of publishing a three-year strategy a few months before a new chief executive takes the helm. We think it would be sensible to put this exercise on hold to allow for the new leadership to have an input, or it could quickly become obsolete in the face of new priorities.

Balance of priorities

The priorities outlined in the draft strategy will not come as a surprise, as they have been articulated by the regulator previously over the past several months. They also align very closely with those of the current Government – particularly the issues of low-quality courses, grade inflation, free speech, equality of opportunity and levelling up. We note that a general election is due to take place during the period covered by the strategy.

The [Regulators' Code](#) requires regulation to be driven by the interests of those the regulation is seeking to protect. However, it is unclear how OfS is balancing its obligations to its other key stakeholders, notably students. In fact, student engagement and priorities are noticeably absent in the strategy. Some of the priorities articulated arguably may even go against the wishes of students. For example, where is the evidence to show a majority of students would like to see more of their courses closed or their tuition fees used to fund free speech litigation or support for local secondary schools? We would be interested to

understand what consultation has been undertaken with students on the priorities set out in the strategy and how it is meeting their needs.

Question 2

Proposal 1: Do you have any comments about any unintended consequences of the proposed strategy or the priorities set out within it, for example for particular types of provider, particular types of student, or for individuals on the basis of their protected characteristics?

As University Alliance and many others in the sector have argued in past submissions, the establishment of a regulatory baseline with absolute minimum baselines and no benchmarking is likely to have unintended consequences for particular types of provider, particular types of student, and/or for individuals on the basis of their protected characteristics depending on the level at which the baseline is set. Alliance universities are deeply committed to ensuring success for all our students and are constantly striving to improve student outcomes across a range of measures. However, the fact remains that student outcomes metrics – for example related to continuation, completion, and progression – are very unevenly distributed across different groups of students, courses, and employment sectors, often for reasons far beyond a provider’s control.

Previous OfS guidance on the TEF explains that benchmarking ‘enables more meaningful interpretation of a provider’s actual performance and ensures that factors which may influence student outcomes which are outside of the control of a provider are taken into consideration for assessment purposes’ (para 122, our emphasis).¹

In lieu of benchmarking, it is essential that OfS take contextual factors into account when assessing a provider. However, we need to see more details about how contextual factors will be considered by OfS. It is imperative that a consistent approach is taken across different types of provision which mirrors that which is applied to B3. The diversity of provision in UK HE is only set to increase with the reforms being pioneered by the current Government. This means minimum baselines will be difficult to apply consistently between providers and provision without a clear way of contextualising how OfS registered providers score against these baselines.

Higher education lags behind the rest of the education sector when it comes to understanding and measuring the institutional contribution – the value that it adds – to its student’s education. OfS should work with the sector, government, and others to create a meaningful ‘value added’ metric for higher education.

Finally, we have serious concerns about the extension of regulatory oversight to include all partnership arrangements including validation arrangements, franchise and TNE. This is likely to restrict innovation when it comes to new provision and partnerships and make

¹ Office for Students (2018), Teaching Excellence and Student Outcomes Framework: Subject-level pilot guide (Bristol: OfS), www.officeforstudents.org.uk/media/57eb9beb4e91-497b-860b-2fd2f39ae4ba/ofs2018_44_updated.pdf.

providers more risk averse overall – an argument we also made in our phase one [submission](#). They could make institutions less likely to work in partnership with other institutions, for example further education colleges, given the scope of the conditions. This could have a negative impact on other priorities such as the Lifelong Loan Entitlement, higher technical education and levelling up. We would like to see OfS undertake an impact assessment of the proposals on partnerships, both international and domestic.

Question 3

Proposal 2: Do you have any comments to make on the proposed addition to the regulatory framework?

We do not support the addition of a link to the strategy to the regulatory framework.

Question 4

Are there any aspects of proposals 1 and/or 2 you found unclear? If so, please specify which, and tell us why.

No further comments.

Question 5

Do you have any other comments?

No further comments.