

CONSULTATION RESPONSE

OfS Consultation on a new approach to regulating equality of opportunity in English higher education

Andrew Jones, Head of Policy and Research

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Proposal 1: Risks to Equality of Opportunity

WHAT IS PROPOSED?

- We propose that a provider's access and participation plan should be focused on 'risks to equality of opportunity'.
- We propose that a provider should have regard to the OfS Equality of Opportunity Risk Register (EORR) when identifying its risks to equality of opportunity.

QUESTIONS:

- To what extent do you agree with our proposals relating to risks to equality of opportunity? Please provide an explanation for your answer.

Strongly agree

Comments:

1. We support the concept of focusing on risks to equality of opportunity. We also agree with the development of an Equality of Opportunity Risk Register (EORR) from which providers can identify and target specific risks.
- If you consider our approach should differ, please explain how and the reasons for your view.

Comments:

2. We believe that there is a lack of clarity around the risk register and questions surrounding the methodology by which the register is drawn up. The focus on provider-specific risks is seen as a problem for institutions with more diverse student populations, where they would have numerous groups of students experiencing risk to their equality of opportunity. Additionally, there is a possibility that the use of provider-specific data to identify risks would be based on small sample sizes. As such, greater clarity from the regulator would be welcomed. For example, the weighting of risks in terms of priority would provide much needed guidance on how institutions should best structure their records into a risk register. MillionPlus also calls for the inclusion of context in determining risks to recognise the diversity across higher education providers.

Proposal 2: Plan duration and publication of information about a provider's delivery of a plan

WHAT IS PROPOSED?

- We propose to reduce the normal maximum duration of plan approval to four years.
- We propose a plan is written as a strategic document that is set out over a four-year period.
- We propose that we should normally expect to publish information about our judgement about whether or not a provider has appropriately delivered the commitments in its approved access and participation plan.

QUESTIONS:

- To what extent do you agree with our proposals relating to a four-year plan duration and publication of information about a provider's delivery of a plan? Please provide an explanation for your answer.

Tend to agree

Comments:

3. MillionPlus tends to support proposals to reduce the duration of plans to four years. We believe that the regulator should recognise, however, that tighter timescales, along with the lack of clarity outlined under proposal 1, could impact the quality of reporting. Additional money, time and resources are required to ensure the quality of reporting does not decrease and this should be recognised by the regulator.

- If you consider our approach should differ, please explain how and the reasons for your view.

Comments:

4. Greater clarity is needed by providers so that more solid answers on the feasibility of the timescales can be given. A clear recognition by the regulator of the increased burden placed on providers by the tighter timescale should be given. Finally, the proximity of the planning process to TEF submissions should be acknowledged and timescales adjusted to recognise this.

Proposal 3: Format and content of an APP

WHAT IS PROPOSED?

- We propose that a provider should include an accessible summary in its access and participation plan.
- We propose that a provider's access and participation plan should include intervention strategies which are linked to named objectives and address the provider's risks to equality of opportunity.
- We propose that a provider should follow a standard format when writing its access and participation plan which includes introduction and strategic aims, risks to equality of opportunity, objectives,

intervention strategies, whole provider approach, student consultation and provision of information to students.

- We propose that a provider's plan should not exceed 30 pages. There is no minimum length for an access and participation plan. This page limit would exclude any annexes detailing a provider's assessment of performance, the accessible summary, and supporting documents setting out fees, investment and targets.

QUESTIONS:

- To what extent do you agree with our proposals related to the format and content of an APP? Please provide an explanation for your answer.

Strongly agree

Comments:

5. MillionPlus supports this proposal, as much of this information is already included in members' APPs.

- If you consider our approach should differ, please explain how and the reasons for your view.

Comments:

6. No answer

Proposal 4: Targets

WHAT IS PROPOSED?

- We propose that objectives should be translated into numerical targets with measurable outcomes-based milestones set over the duration of a plan.
- Targets should be captured in a targets and investment plan.

QUESTIONS:

- To what extent do you agree with our proposals proposals related to targets? Please provide an explanation for your answer.

Tend to agree

Comments:

7. MillionPlus tends to agree that the proposed changes are sensible. We have concerns about plans for providers to outline intermediate-outcomes associated with their intervention strategies. As every provider has the agency to use the guidance to determine their own targets, it is unclear how numerical targets provided by providers would translate into a risk register for objectives that do not easily translate into a target based on the OfS access and participation data dashboard. Objectives relating to raising pre-16 attainment seem to be the area of most difficulty.

- If you consider our approach should differ, please explain how and the reasons for your view.

Comments:

8. Greater clarity and clearer guidance in these areas – including solid examples – would help providers contribute more effectively.

Proposal 5: Evaluation

WHAT IS PROPOSED?

- We propose that a provider should be expected to significantly increase the volume and quality of evaluation across its access and participation activity.
- We propose that a provider should be expected to supply more information about what it will evaluate and when.
- We propose that a provider should be expected to set out how and when it intends to publish its evaluation results.

QUESTIONS:

- To what extent do you agree with our proposal related to evaluation? Please provide an explanation for your answer.

Strongly agree

Comments:

9. MillionPlus supports the aim of the OfS to improve the evaluation process and the use of research departments in assisting this process, methodological concerns persist.

- If you consider our approach should differ, please explain how and the reason for your answer.

10. More clarity around what is to be measured should be made available to providers. This will help providers identify suitable measures – including proxy measures for hard to assess interventions – while avoiding confounders adversely influencing the results. This process requires detailed planning and the required time should be made available to providers to ensure these changes accurately reflect the success of plans.

Proposal 6: Investment

WHAT IS PROPOSED?

- We propose that a provider should be expected to include information on how much it is investing in each intervention strategy.
- We propose to no longer ask a provider for information on access investment in the targets and investment plan document.
- We propose to continue to ask a provider for information on financial support and research and evaluation investment in the targets and investment plan document.

QUESTIONS:

- To what extent do you agree with our proposals related to investment? Please provide an explanation for your answer.

Strongly agree

Comments:

11. We agree with the proposals outlined in the consultation.

- If you consider our approach should differ, please explain how and the reason for your answer.

Comments:

12. No answer

Proposal 7: Raising attainment in schools and collaboration

WHAT IS PROPOSED?

- We propose that there are key sector-level priorities in the EORR that we would expect to be reflected in the majority of APPs. In particular we expect providers to address in their plan the key sector-level priority on raising pre-16 attainment in schools through the development of strategic partnerships with schools.
- We invite feedback on how the OfS could support providers to develop strategic partnerships to raise attainment in schools.
- We also invite feedback on how the OfS might use other tools, such as funding, evidence of effective practice and its convening powers to support collaboration and partnership to address core risks to equality of opportunity.

QUESTIONS:

- To what extent do you agree with our proposals related to raising attainment in schools and collaboration? Please provide an explanation for your answer.

Tend to agree

Comments:

13. MillionPlus recognises the good intentions of trying to raise attainment in schools, but we also raise significant concerns with the proposed plans. Methodologically, it is unclear how providers would measure the success of their interventions particularly in early-years education. While schools have targets based on the assessment of their students, universities have an interest in encouraging critical thinking. The proposal does not clarify how these different goals might be resolved. MillionPlus also has concerns about the practical relationship between universities and schools. There is the risk that universities are seen as being parachuted in to schools to fix problems and this could lead to accusations of academic snobbery. The proposal details how the relationship will work from the perspective of higher education providers, but it is unclear whether schools will welcome this sort of intervention. Finally, the proposal fails to make mention of Ofsted and how they might react to universities setting targets for schools. A clear framework for how these relationships will be formed and then continue to operate is needed before a working solution to these problems can be provided.

- How might the OfS support providers to develop strategic partnerships to raise attainment in schools?

Comments:

14. Further guidance of how schools and universities can share objectives is needed.

- What support would help foster collaboration between higher education providers, schools and colleges around information advice and guidance (IAG), outreach and attainment raising, and why?

Comments:

15. Each school should contain a named and trained leader of careers. The individual would need the resources and autonomy to engage with universities and other providers with the goal of raising attainment.

- If you consider our approach should differ, please explain how and the reasons for your view.

Comments:

16. No answer.

Proposal 8: Assessment process

WHAT IS PROPOSED?

- We propose that the OfS will use its published access and participation data dashboard and other contextual provider-level data to conduct an analysis of a provider's performance, to understand a provider's context during the APP assessment process.

QUESTIONS:

- To what extent do you agree with our proposal related to the assessment process? Please provide an explanation for your answer.

Tend to agree

Comments:

17. Generally, MillionPlus supports the publication of an access and participation data dashboard to allow for an analysis performance.

- If you consider our approach should differ, please explain how and the reasons for your view.

Comments:

18. It is important that clarity is given to institutions as to what they are being assessed on and enough time for the collection and presentation of data given to institutions. Failure to provide this may lead to a greater administrative burden being placed on providers. MillionPlus would also call for contextual information to play a central part in the publication of data on performance. This would make it clear that comparisons are not necessarily like-for-like and avoid the dashboard becoming a quasi-league table of performance.

General Questions:

- Do you have any feedback on the whole proposed approach to regulating equality of opportunity in English higher education, including regulation of access and participation plans as described in the draft Regulatory notice 1 (Annex C)?

Comments:

19. While MillionPlus is generally supportive of the approach taken, providing only five weeks to respond to a consultation of this importance is a challenge for universities and other stakeholders. MillionPlus universities understand the importance of continuing to improve access and participation at pace, but if this approach is to be successful it is important that universities are given the opportunity to fully engage with these proposals. We hope to see this reflected in the next stages of developing the access and participation plans.

- Do you foresee any unintended consequences resulting from the approach set out in this consultation? If so, please indicate what you think these are and the reasons for your view.

Comments:

20. No answer

- Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.

Comments:

21. No answer

- Do you have any comments about the potential impact of these proposals on individuals on the basis of their protected characteristics?

Comments:

22. No answer