

Submission to the OfS consultation on a new approach to regulating equality of opportunity in English higher education

No.	Question	Response
1	<p>To what extent do you agree with our proposals relating to risks to equality of opportunity? Please provide an explanation for your answer.</p>	<p><u>Tend to agree</u></p> <p>University Alliance broadly welcomes the risk-based approach to equality of opportunity outlined in the consultation, which we feel takes a more sophisticated, nuanced, and co-regulatory approach to higher education access and participation than the previous regime. We particularly welcome the ability to tailor plans to a provider's unique mission and context, which we feel is likely to be more impactful than the previous centrally driven approach.</p> <p>We would however like to highlight our objection to the very short consultation window and proposed timescales for implementation. The five-week consultation period is an insufficient amount of time for providers to engage with such a significant set of proposals, especially as it coincides with the publication of TEF guidance and the B3 data dashboards. In terms of implementation, the OfS is asking for a lot of new information – as well as more accessible information – in a short time which is a very tall order. It will be especially useful for providers to have sight of the national Equality of Opportunity Risk Register (EORR) as soon as possible, and ideally before February 2023.</p>
2	<p>If you consider our approach should differ, please explain how and the reasons for your view.</p>	<p>Whilst we agree with the broad thrust of the proposals, we object to the unnecessarily tight timescales for the consultation on and implementation of this novel new approach. At the very least, the OfS should commit to further engagement with universities on key aspects of the consultation to refine its new approach before Spring 2023. The OfS should also publish the national EORR sooner than February 2023 to give universities ample time to consider what this will mean for their Access and Participation Plans (APPs).</p>
3	<p>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</p>	<p><u>Tend to disagree</u></p> <p>Under the old APP regime, moving from five- to four-year plans would have created a small additional burden but would not have been too objectionable. Indeed, there are some benefits such as alignment with the TEF. However, given the proposed risk-based approach</p>

Submission to the OfS consultation on a new approach to regulating equality of opportunity in English higher education

	<p>explanation for your answer.</p>	<p>with evaluation at its heart, we query whether four-year plans are appropriate. Interventions around raising school attainment and diversifying pathways will take time to implement and evaluate (and even longer to bear fruit). We believe there is a great deal of value in a longer-term plan that is regularly reviewed with flexibility to be amended if there is compelling evidence this would be beneficial.</p> <p>We do not object in principle to the proposal to publish information about a provider’s delivery of a plan, but this must be grounded in a realistic judgement of what is possible to achieve during the lifespan of the plan (particularly if it is only for four or five years) and take account of any extenuating circumstances that may have affected delivery. There is also a risk that publication could ultimately undermine a provider’s objectives – care needs to be taken by the OfS to ensure this does not happen.</p>
4	<p>If you consider our approach should differ, please explain how and the reasons for your view.</p>	<p>We believe that an amendable eight-year plan would be more effective and impactful which would allow interim reporting aligning with the TEF and B3 cycles. More thought needs to be given to how APPs interact with the TEF.</p>
5	<p>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.</p>	<p><u>Tend to agree</u></p> <p>It is helpful to have clarity around the format and content of an APP, which we broadly welcome. However, there is an unresolved tension between accessibility and detail, with the OfS seemingly wanting both. We support the creation of an accessible summary, though this is likely to be more time-consuming than it sounds. However, the requirement to include detailed targets and an investment plan will render the plans inaccessible to many.</p>
6	<p>If you consider our approach should differ, please explain how and the reasons for your view.</p>	<p>We do not agree that details of all evaluation activity should be included in the main plan document. It is also difficult to see how providers will be able to keep to the 30-page limit if all the proposed content is included.</p>

Submission to the OfS consultation on a new approach to regulating equality of opportunity in English higher education

7	To what extent do you agree with our proposals related to targets ? Please provide an explanation for your answer.	<p><u>Tend to agree</u></p> <p>We agree with the principle of measurable targets, which were integral to the success of the previous APP regime. However, many complex issues do not lend themselves well to simple targets. For example, pre-16 attainment is a particularly difficult area in which to measure progress and identify causation. This needs to be addressed in the forthcoming guidance.</p>
8	If you consider our approach should differ, please explain how and the reason for your answer.	
9	To what extent do you agree with our proposal related to evaluation ? Please provide an explanation for your answer.	<p><u>Tend to disagree</u></p> <p>We are supportive of the overall objective of increasing the quality and quantity of evaluation of access and participation interventions. This is something the whole sector would undoubtedly like to see. However, high quality evaluation is expensive and time-consuming. The OfS must recognise that any regulatory requirements to deliver significantly more evaluation in the absence of increased funding will require a diversion of existing resources and therefore some inevitable trade-offs. In most cases this work will need to be funded through the primary source of university income: tuition fees. It is therefore vital that any evaluation requirements represent value for money for students and the taxpayer and are not overly burdensome. We are concerned that the current proposals do not achieve the right balance.</p>
10	If you consider our approach should differ, please explain how and the reason for your answer.	<p>There should be a stronger emphasis on collaboration between providers, and a more risk-based, targeted approach, with providers encouraged to focus their evaluation efforts on those interventions that are either the highest risk, involve larger numbers of students or lack a strong evidence base.</p> <p>It is also important to recognise that a large increase in the volume of evaluation is likely to be challenging for the sector to navigate, requiring even further resources. We would therefore like to see a much more significant role given to TASO, both to fund largescale evaluations (taking some of the burden off individual providers) and to help to translate and disseminate</p>

Submission to the OfS consultation on a new approach to regulating equality of opportunity in English higher education

		the findings of evaluations across the sector – much as the Education and Endowment Fund (EEF) does for early years providers, schools, and colleges.
11	To what extent do you agree with our proposals related to investment ? Please provide an explanation for your answer.	<u>Tend to disagree</u> This is a substantial departure from the current requirement of reporting at an aggregated level. The requirement to report investment in each intervention strategy is unnecessary and will increase regulatory burden. We would also like more information about how the OfS will respond if a provider does not use the investment as planned, and how changes could be accommodated.
12	If you consider our approach should differ, please explain how and the reason for your answer.	We believe reporting should continue at an aggregated level, to ensure that money is still being targeted at the right areas. Intervention reporting should focus on evidence-based outcomes rather than the financial inputs.
13	To what extent do you agree with our proposals related to raising attainment in schools and collaboration ? Please provide an explanation for your answer.	<u>Tend to agree</u> University Alliance supports the principle of raising attainment in schools. Indeed, this is work in which our members are already deeply engaged. However, further expansion requires a commitment from DfE that schools and colleges have the time, resources, and dedication to work with universities. It must be focused on what schools want and universities can deliver. School-university partnerships are very resource intensive on both sides and can take years to develop. Moreover, this desired expansion is coming at a time when the budgets of both schools and universities are under severe strain due to inflation and public sector spending freezes and/or cuts. It must be acknowledged that the impact of this work will be limited without increased resources. As with the other proposals in this consultation with significant financial implications, this will require trade-offs.

Submission to the OfS consultation on a new approach to regulating equality of opportunity in English higher education

		We query what role the OfS could play nationally to bring together conversations about what support schools might wish to prioritise. Crucially, we would like to see a renewed commitment to and expansion of the Uni Connect programme.
14	How might the OfS support providers to develop strategic partnerships to raise attainment in schools?	The OfS should encourage and support universities to work together regionally to develop strategic partnerships to raise attainment in schools. But to be successful this requires a long-term commitment and funding. The OfS and DfE must ensure schools have the resources and the incentives to manage strategic relationships.
15	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?	There is no point reinventing the wheel – there is already a tried and tested model for successful collaboration between schools and universities in the form of Uni Connect. The OfS should reverse cuts to its funding and expand its remit to include attainment raising activities.
16	If you consider our approach should differ, please explain how and the reasons for your view.	
17	To what extent do you agree with our proposal related to the assessment process ? Please provide an explanation for your answer.	<u>Tend to agree</u> It is vital that there is the assessment process is consistent and fair, and that it takes a proportionate and risk-based approach to monitoring and evaluation. The APP data dashboard is a useful tool, but careful thought needs to be given to how it will be expanded to include data related to new aims such as raising pre-16 attainment and diversifying pathways.
18	If you consider our approach should differ, please explain how and the reasons for your view.	
19	Do you have any feedback on the whole proposed approach to regulating equality of opportunity regulating equality of opportunity in English higher education, including regulation of access	No comment

Submission to the OfS consultation on a new approach to regulating equality of opportunity in English higher education

	and participation plans as described in the draft Regulatory notice 1 (Annex C)?	
20	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.	There is some concern that, taken together, the proposals in the consultation will reduce the focus on access to higher education for disadvantaged and underrepresented groups of students, and that in time this could roll back the significant progress made in this area over the past few decades. The removal of the financial reporting requirement on access work coupled with the introduction of challenging new objectives such as raising pre-16 attainment and diversifying pathways are likely to reduce providers' incentives to maintain a focus on access work. The OfS should take steps to mitigate this risk, for example by retaining the financial reporting requirement.
21	Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.	No comment
22	Do you have any comments about the potential impact of these proposals on individuals on the basis of their protected characteristics?	No comment