

Office for  
Students



# **A new approach to regulating access and participation in English higher education**

**Consultation outcomes**

**Reference** OfS 2018.53

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# Summary

1. In September 2018, the Office for Students (OfS) published a consultation document setting out our proposed new approach to access and participation. The review focused on how we could:
  - a. Achieve significant reductions in the gaps in access, success and progression over the next five years.
  - b. Ensure that our access and participation regulation and funding are outcome-based, risk-based, underpinned by evidence and joined up with other OfS regulatory activities.
2. The consultation ran from 7 September to 12 October 2018, and received around 189 responses. An independent analysis of those responses undertaken by CFE Research on behalf of the OfS, and validated by OfS staff, is published alongside this response at [www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation-outcomes/](http://www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation-outcomes/).
3. The CFE Research report concludes that:

‘overall, there is broad support for all seven of the proposals put forward by the OfS in the consultation. There is a widespread perception that, together, the proposals will form the basis of an approach that will support the sector to take a more strategic, long-term view which meets the needs of current and prospective students at each stage of the lifecycle. Most consultees are of the view that it will support improvements in the volume and quality of evaluation which will, in turn, help to ensure planning and investment in access and participation is evidence-led, good practice is shared and improvements are made to service delivery. The shift to an outcomes-focused approach based on risk is also widely welcomed, as most perceive it will reduce burden on providers and offer the flexibility to respond to changes in local and national policy, as well as evidence of effective practice.’

## Setting our ambition for access and participation

4. The consultation responses highlighted that, given the levels of inequality across the student lifecycle, we should set ambitious long-term objectives for change, which should be reflected in sector targets. We have set targets against four of the OfS’s key performance measures that relate to fair access and participation, which we published in September 2018<sup>1</sup>.
5. We have stated an ambition that future generations should have equal opportunities to access and succeed in higher education, and to achieve successful and rewarding careers. This is necessarily a long-term goal, but to achieve it the sector needs to make

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<sup>1</sup> See [www.officeforstudents.org.uk/about/measures-of-our-success/participation-performance-measures/](http://www.officeforstudents.org.uk/about/measures-of-our-success/participation-performance-measures/).

significant progress over the five-year period for which the next round of access and participation plans (APPs) will operate, which runs through to 2024-25.

6. Therefore, the OfS has set the following targets for the sector and itself:
  - a. To eliminate the gap in entry rates at higher-tariff providers between the most and least represented groups (Participation of Local Areas (POLAR)<sup>2</sup> quintiles 5 and 1 respectively) by 2038-39. To measure the necessary progress towards this goal, we have developed separate targets to eliminate the gap for 18- and 19-year-olds and for older students.
    - i. For 18- and 19-year-olds, our target is to reduce the gap in participation between the most and least represented groups from a ratio of 5:1 to a ratio of 3:1 by 2024-25<sup>3</sup>.
    - ii. We will publish our targets for older students entering higher-tariff providers in spring 2019.
  - b. To eliminate the unexplained gap in non-continuation between most and least represented groups by 2024-25, and to eliminate the absolute gap (the gap caused by both structural and unexplained factors) by 2030-31.
  - c. To eliminate the unexplained gap in degree outcomes (1sts or 2:1s) between white students and black students by 2024-25, and to eliminate the absolute gap (the gap caused by both structural and unexplained factors) by 2030-31.
  - d. To eliminate the gap in degree outcomes (1sts or 2:1s) between disabled students and non-disabled students by 2024-25.

## Our decisions

7. In light of our analysis of the consultation responses, we will be implementing the proposals as set out in the consultation, with amendments to reflect our consideration of responses.

### The access and participation plan cycle

The OfS will place the approval of access and participation plans onto a more strategic timescale, with the number of years during which a plan may be in force to be based on risk. This will be implemented from the next set of access and participation plans, which will cover the academic years 2020-21 to 2024-25. Plans will need to

<sup>2</sup> See [www.officeforstudents.org.uk/data-and-analysis/polar-participation-of-local-areas/](http://www.officeforstudents.org.uk/data-and-analysis/polar-participation-of-local-areas/).

<sup>3</sup> For 18- and 19-year-olds, our target is to reduce the gap in participation between the most and least represented groups from a quintile 5: quintile 1 ratio of 5.1:1 in 2016-17 to a ratio of 2.8:1 by 2024-25. This means decreasing the gap between quintile 5 and quintile 1 from 10.2 per cent in 2016-17 to 8.9 per cent by 2024-25.

demonstrate clear long-term ambitions for how providers will achieve significant reductions in the gaps in access, success and progression over this period.

### **Annual monitoring and planning**

Providers will be expected to publish and submit to the OfS an impact report each year, accompanied by an action plan setting out any steps that need to be taken to make improvements to their current plan. We will collect financial information about a provider's expenditure through the financial returns it submits as part of our monitoring of the ongoing condition of registration on financial viability and sustainability (condition D). If a provider is subject to enhanced monitoring due to increased risk of a future breach of ongoing condition A1, we may require more information.

### **Access and participation plan targets**

Providers will be expected to set a small number of outcomes-focused targets to capture the impact of their work. Some of these will be recommended by the OfS, and will align with our key performance measures and the targets the OfS has established as priorities for itself sector-wide, as appropriate to a provider's context.

### **Investment in access and participation plans**

In access and participation plans, the OfS will collect predicted access spending disaggregated by pre-16 activity, post-16 activity and work with adults and communities. We will also continue to collect information on the financial support that providers give to students, and set expectations that this financial support is both robustly evaluated and communicated clearly to students. We will no longer ask providers to report on spending on student success and progression, but we will challenge providers on their work in this area through our regulation of access and participation, of quality and student outcomes, and through the Teaching Excellence and Student Outcomes Framework.

### **Expectations on level of spending**

We will not set a minimum expected level of expenditure. Our focus will be on the outcomes that providers achieve and the level of the ambition they set, rather than inputs in the form of investment. We will challenge providers' investment through our assessment of whether we believe their plans to be credible given the level of intended investment.

### **Principles of funding and investment**

There was overwhelming agreement that the principles stated in the consultation should underpin our future approach to funding and investment in access and participation, so we will be guided by these.

## **National Collaborative Outreach Programme (NCOP)**

The OfS board has agreed, in principle, to continue to support the programme during the 2019-20 and 2020-21 academic years. Support beyond this point will likely depend on the outcomes of the spending review. However, our ambition is to ensure that this infrastructure is sustained, and aligned with activity delivered through access and participation plans.

### **Evaluation self-assessment tool**

The OfS will expect providers to complete a self-assessment of their evaluation activities against a set of criteria as part of the access and participation plan. However, in contrast to the consultation proposal, we will not expect the self-assessment to be completed as part of the annual monitoring process.

### **Research on the use of tracking services**

The OfS will work with higher education providers, NCOP partnerships, the Evidence and Impact Exchange and the higher education tracking services to support improvements in the services provided and how they are used to support robust evaluation.

### **Transparency information condition**

The OfS will undertake further work to explore whether it should extend the transparency information condition (condition F1) to include breakdowns by additional student characteristics of age and disability.

### **The access and participation dataset**

The OfS will create, publish and maintain an access and participation dataset. This will provide a sector-level picture of the challenges in access and participation across the student lifecycle, and also at provider level. It will also provide clarity on how we assess performance across the lifecycle. This dataset will be published on the OfS website in time to inform the next set of access and participation plans.

# Introduction

8. 'Securing student success: Regulatory framework for higher education in England' (OfS 2018.01), published in February 2018, set out the OfS's ambition to develop a bold new approach to supporting social mobility, equality and diversity through higher education, and our desire to be radical and ambitious in reducing the gaps in equality of opportunity, in contrast with the incremental progress we have seen to date<sup>4</sup>.
9. The Regulatory framework acknowledges that market forces alone will not achieve the OfS's ambitions in relation to access and participation, so in contrast with other areas the OfS will regulate individual providers to secure continuous improvement. The Regulatory framework establishes the approval of an access and participation plan as the first condition of registration (Condition A1) for approved (fee cap) providers intending to charge fees above the basic amount, and a requirement (Condition F1) for transparency information on admissions and student outcomes split by student characteristics. It also states that OfS teaching grant will be 'used to support access, success and progression for students from disadvantaged backgrounds and underrepresented groups where additional funding is needed to build on provider level regulation, for example to support collaboration'.
10. In 'Regulatory Notice 1: Guidance on access and participation plans for 2019-20' (OfS 2018.03), published in February 2018, we stated that during 2018, we would conduct a strategic assessment of our approach to access and participation<sup>5</sup>. We conducted this review from April 2018 to September 2018. The review focused on how we could:
  - a. Achieve significant reductions in the gaps in access, success and progression over the next five years.
  - b. Ensure that our access and participation regulation and funding are outcome-based, risk-based, underpinned by evidence and joined up with other OfS regulatory activities.
11. The OfS is able to apply a wide range of regulatory levers to the pursuit of its access and participation goals. This includes using funding and data strategically to align with and support activity secured through APPs, and aligning the regulation of quality and student outcomes with access regulation. This combination of regulatory oversight with targeted funding and data transparency provides the tools needed to drive the step change we are seeking.

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<sup>4</sup> See [www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/](http://www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/).

<sup>5</sup> See [www.officeforstudents.org.uk/publications/regulatory-notice-1-guidance-on-access-and-participation-plans-for-2019-20/](http://www.officeforstudents.org.uk/publications/regulatory-notice-1-guidance-on-access-and-participation-plans-for-2019-20/).

12. In September 2018, we published ‘A new approach to regulating access and participation in English higher education: Consultation’ (OfS 2018.33)<sup>6</sup>. The consultation ran from 7 September to 12 October 2018, and received 189 responses. An independent analysis of these responses, undertaken by CFE Research on behalf of the OfS and verified by OfS staff, is published alongside this response<sup>7</sup>. The findings of the CFE report have informed our response to the consultation.

13. In addition, we held five consultation events in September in Birmingham, Bristol, Leeds and London, which were attended by around 400 people. We are grateful for all the responses received, and have given them careful consideration.

## **The OfS’s functions**

14. Our work on access and participation is underpinned by our general duties under Section 2 of the Higher Education and Research Act 2017, including the general duty for the OfS to have regard to the need to promote equality of opportunity in connection with access to and participation in higher education.

15. The work is delivered through specific functions set out within the Higher Education and Research Act 2017. This includes applying a transparency condition (section 9), approving APPs (section 29), providing advice on good practice (section 35), and providing grants to registered higher education providers (section 39).

16. In the context of these functions, the proposed approach considered the following priority areas:

- the cycles of approval and monitoring of APPs
- annual monitoring and planning
- access and participation plan targets
- funding and investment in access and participation
- evaluation
- our approach to data, including the transparency information condition and an access and participation dataset.

## **Main points of our consultation**

17. In summary, we set out seven proposals in relation to our priority areas:

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<sup>6</sup> See [www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation/](http://www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation/).

<sup>7</sup> See [www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation-outcomes/](http://www.officeforstudents.org.uk/publications/a-new-approach-to-regulating-access-and-participation-in-english-higher-education-consultation-outcomes/).



**Proposal 1:** The OfS will place the approval of access and participation plans onto a more strategic timescale, with the number of years during which a plan may be in force to be based on risk. Plans should continue to demonstrate clear long-term ambitions for how providers will achieve significant reductions in the gaps in access, success and progression over the next five years. We will review progress against plans each year. Providers at increased risk of a future breach of condition A1 will normally be expected to submit plans every three years. Providers considered not at increased risk of a future breach of condition A1 will be expected to submit their plans every five years. Where we have serious concerns about a future breach, we may expect more frequent resubmission.

**Proposal 2:** Providers will be expected to publish and submit to the OfS an impact report each year. Financial information previously collected in the annual access and participation monitoring process will be collected as part of wider OfS financial reporting processes. We will ensure that our requirements for impact reports are proportionate, with a lower burden for providers where the risk of a future breach of a condition is not increased.

**Proposal 3:** Providers will be expected to include in their access and participation plans a set of strategic, outcomes-focused targets. A small number of these will be recommended by the OfS for use across all providers, and providers will continue to be able to set outcomes-focused targets related to their own contexts.

**Proposal 4:** The OfS will collect predicted access spending disaggregated by pre-16 activity, post-16 activity and work with adults and communities, in access and participation plans. We will also continue to collect information on the financial support that providers give to students, and set expectations that this financial support is robustly evaluated and communicated clearly to students. We will no longer require providers to report on student success and progression spending.

**Proposal 5:** Providers will need to complete a self-assessment of their evaluation activities against a set of criteria, as part of their access and participation plans. The core purpose of the tool will be to identify and support continuous improvement in evaluation.

**Proposal 6:** The OfS will undertake further work to explore whether it should require providers to submit and publish transparency data by age and disability. This is in addition to data split by gender, ethnicity and socioeconomic background, which is part of the current transparency information condition F1 required by the OfS regulatory framework

**Proposal 7:** The OfS will create, publish and maintain an access and participation dataset that provides a picture of access and participation across the higher education sector and at individual providers.

18. This response sets out how we will proceed with the proposals put forward in the consultation. To understand the consultation in more detail, including detail of the proposals and the information and evidence that helped to shape them, see OfS 2018.33.

## Defining risk

19. The responses to the consultation highlighted the need for the OfS to provide further information on how we will assess and monitor risk. We want to further support providers to understand our approach to risk, and we will provide further information as part of our next set of regulatory guidance on the APPs.

20. The OfS's risk-based approach is central to how we interact with providers. Our general approach to risk assessment, and how this will determine our use of powers of intervention, is set out in the Regulatory framework.

21. Throughout this document when referring to risk, or increased risk, our judgement of risk in relation to providers refers to the risk that a provider may breach Condition A1 in the future. In order to demonstrate that they satisfy Condition A1, providers must ensure that they are taking reasonable steps to comply with the provisions of their plan.

22. To determine whether or not a provider is complying with this condition on an ongoing basis, the OfS's judgement will be informed by the provider's behaviour, as well as information submitted by the provider or available to the OfS. The following are non-exhaustive examples of behaviours that may indicate compliance with this general ongoing condition.

23. The Regulatory framework sets out examples of provider's behaviour that may indicate compliance with condition A1, such as:

- a. The provider is delivering the objectives and targets in its plan.
- b. The provider has a governing body that is appropriately engaged with monitoring of performance against the provisions of its plan.
- c. The provider is taking reasonable steps to comply with the provisions of its plan and has taken appropriate action where it appears that the intentions of the plan may not be delivered.

24. There is no formula used to calculate risk, but our judgement relates to whether a provider's plan may not be approved in the future, or whether a provider may not comply with an ongoing provision of the plan. This is informed by:

- the extent of the gaps between different student groups in respect of access, success and progression, on the basis of local and national data and other forms of evidence
- the rate of progress in narrowing those gaps

- the ambition and credibility of a provider’s plan, including its assessment of performance.

25. While the extent of the gaps in equality of opportunity and the rate of progress are considerations of risk, this does not mean that the providers with the largest gaps are automatically considered to be the greatest risk. Demonstrating that a provider understands its own performance through a reflective self-assessment of performance, and presenting a plan that is well resourced and addresses those gaps, along with robust evaluation, will help to reduce potential risk.

## **Review of post-18 education and funding**

26. The government’s review of post-18 education and funding will report in early 2019, as set out in its terms of reference. The report from the independent panel chaired by Philip Augar will be published at an interim stage, before the government concludes the overall review. This is not expected to be before the end of 2018. Once we understand the outcomes of the government’s review, we will look to further develop our approach to access and participation funding.

27. Notwithstanding the outcomes of the review, our work on access and participation is underpinned by the general duties under section 2 of the Higher Education and Research Act 2017, including the duty for the OfS to have regard to the need to promote equality of opportunity in connection to access and participation in higher education. To achieve this, we will conduct outcomes-based regulation of individual higher education providers and support collaboration between them.

## **Our ambition**

28. The consultation responses suggested that, given the levels of inequality across the student lifecycle, we should set ambitious long-term objectives for change, which should be reflected in sector targets.

29. We have stated an ambition that future generations should have equal opportunities to access and succeed in higher education, and to achieve successful and rewarding careers. This is necessarily a long-term goal, but to achieve it the sector needs to make significant progress over the five-year period for which the next round of APPs will operate, which runs through to 2024-25.

30. In September 2018, the OfS published our key performance measures (KPMs)<sup>8</sup>. These KPMs will be our main tool for understanding and measuring our progress against our

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<sup>8</sup> See [www.officeforstudents.org.uk/about/measures-of-our-success/participation-performance-measures/](http://www.officeforstudents.org.uk/about/measures-of-our-success/participation-performance-measures/).

'Office for Students strategy 2018 to 2021' (OfS 2018.18)<sup>9</sup>. The first five KPMs relate to equality of opportunity, and are as follows:

- KPM 1: Gap in participation between most and least represented groups
- KPM 2: Gap in participation at higher-tariff providers between the most and least represented groups
- KPM 3: Gap in non-continuation between most and least represented groups
- KPM 4: Gap in degree outcomes (1sts or 2:1s) between white students and black students
- KPM 5: Gap in degree outcomes (1sts or 2:1s) between disabled students and non-disabled students.

31. The issues covered by the measures focus on the areas where we feel there is the greatest need, and the greatest opportunity, to improve. This means the issues they cover are not the only things that matter in access and participation – there are many more measures that we will track, and areas where we hope to make improvements working with students and the sector.
32. Our ambition for KPM 1 and KPM 2 is to eliminate the gap in participation between the most and least represented groups (POLAR quintiles 5 and 1 respectively). There are significant external factors, such as the government's review of post-18 education and funding, which may have implications for the rate of change for this target, making trajectory-setting less certain. As a result, we propose to defer the setting of targets for KPM 1 – which will be particularly influenced by the future size and shape of the higher education sector – until we know the government's response to the review.
33. There are persistent gaps in non-continuation and degree attainment between different groups of students. Unlike improving access to higher education, where many external factors, such as attainment and curricula in schools and colleges, and alternative pathways, can impact on a provider's ability to make progress, it can be argued that non-continuation and degree attainment are issues over which providers have more direct control. Developing approaches to tackle these issues can have rapid and significant effect. We are therefore setting particularly ambitious targets in these areas.
34. Some of the factors that contribute to the non-continuation and attainment gaps are structural, such as entry qualification, subject of study, age of students, and the provider at which a student studies. Some of the interventions to address these factors will take longer to take effect. Therefore our target to eliminate the absolute gap, which includes structural factors, is set over a longer period of time.
35. However, once we have taken account of the structural factors there remain significant unexplained differences, and we refer to this as the unexplained gap. Evidence has

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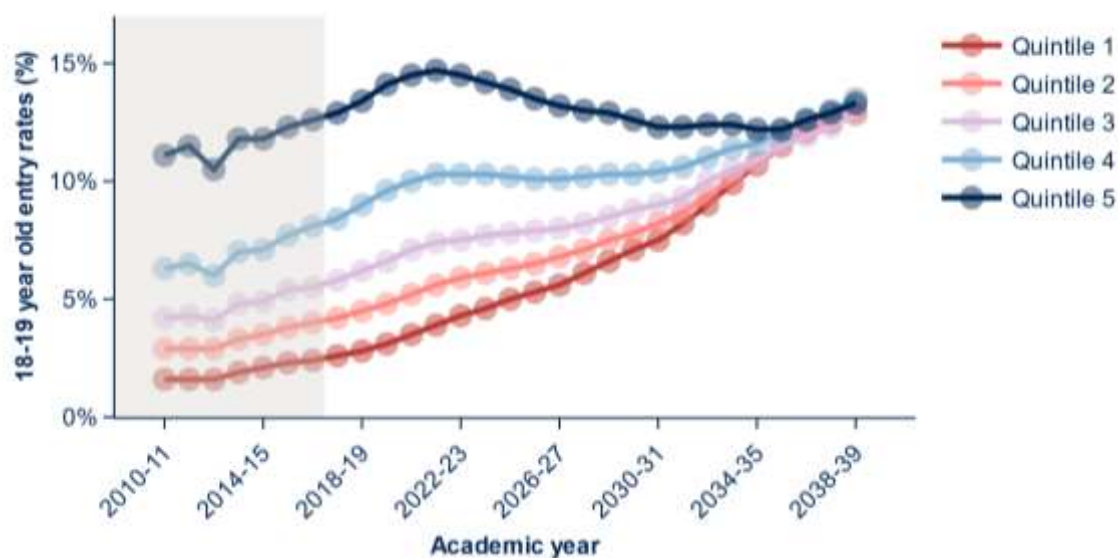
<sup>9</sup> See [www.officeforstudents.org.uk/publications/office-for-students-strategy-2018-to-2021/](http://www.officeforstudents.org.uk/publications/office-for-students-strategy-2018-to-2021/).

shown that some providers have already made significant progress in closing unexplained gaps in non-continuation and attainment, and so we are setting our target to eliminate the unexplained gaps over a shorter period of time.

36. The OfS has set the following targets for the sector and itself:

- a. To eliminate the gap in entry rates at higher-tariff providers between the most and least represented groups (POLAR quintiles 5 and 1 respectively) by 2038-39. To measure the necessary progress towards this goal, we have developed separate targets to eliminate the gap for 18- and 19-year-olds and older students.
  - i. For 18- and 19-year-olds, our target is to reduce the gap in participation between the most and least represented groups from a ratio of 5:1 to a ratio of 3:1 by 2024-25, as shown in Figure 1<sup>10</sup>.
  - ii. We will publish our targets for older students entering higher-tariff providers in spring 2019.

**Figure 1: Target for KPM 2 – 18- and 19-year old participation rates (new entrants) to higher-tariff providers**



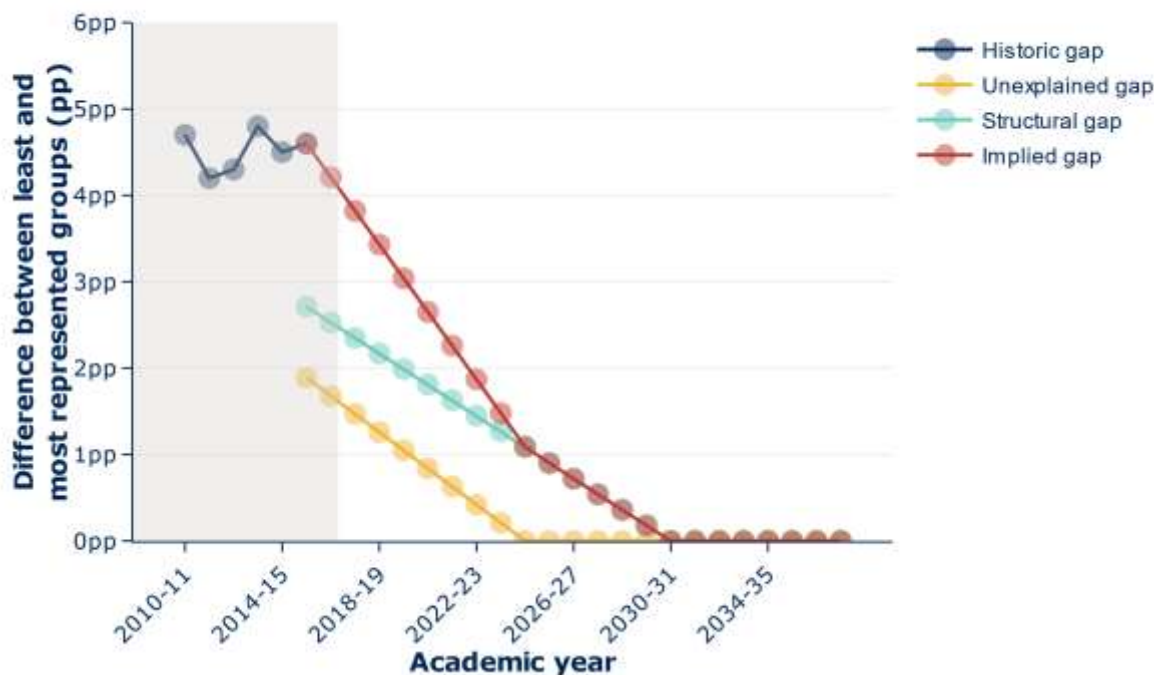
Population: UK-domiciled students, coming from areas of least participation (quintile 1) to highest participation (quintile 5).

Source: Individual student data from the Higher Education Statistics Agency (HESA), the Individualised Learner Record (ILR) and the POLAR classification of postcodes.

<sup>10</sup> For 18- and 19-year-olds, our target is to reduce the gap in participation between the most and least represented groups from a quintile 5: quintile 1 ratio of 5.1:1 in 2016-17 to a ratio of 2.8:1 by 2024-25. This means decreasing the gap between quintile 5 and quintile 1 from 10.2 per cent in 2016-17 to 8.9 per cent by 2024-25.

- b. To eliminate the unexplained gap in non-continuation between most and least represented groups by 2024-25, and to eliminate the absolute gap (the gap caused by both structural and unexplained factors) by 2030-31 (see Figure 2).

**Figure 2: Target for KPM 3 – Gap in non-continuation between least and most represented groups for full-time undergraduate entrants aged 18-30**

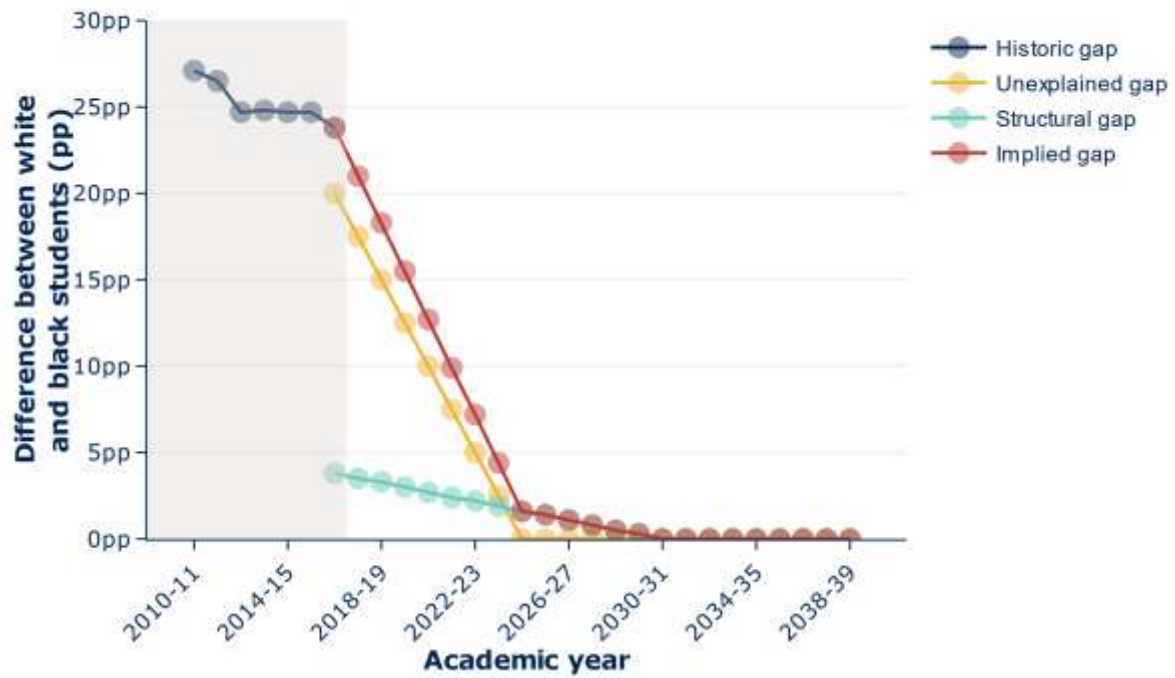


Population: Home students domiciled in England registered at higher education providers in England.

Source: Individual student data from HESA, ILR and the POLAR classification of postcodes. NB: 'pp' = 'percentage point'.

- c. To eliminate the unexplained gap in degree outcomes (1sts or 2:1s) between white students and black students by 2024-25, and to eliminate the absolute gap (the gap caused by both structural and unexplained factors) by 2030-31 (see Figure 3).

**Figure 3: Target for KPM 4 – Gap in degree outcomes (1sts and 2:1s) between white students and black students**

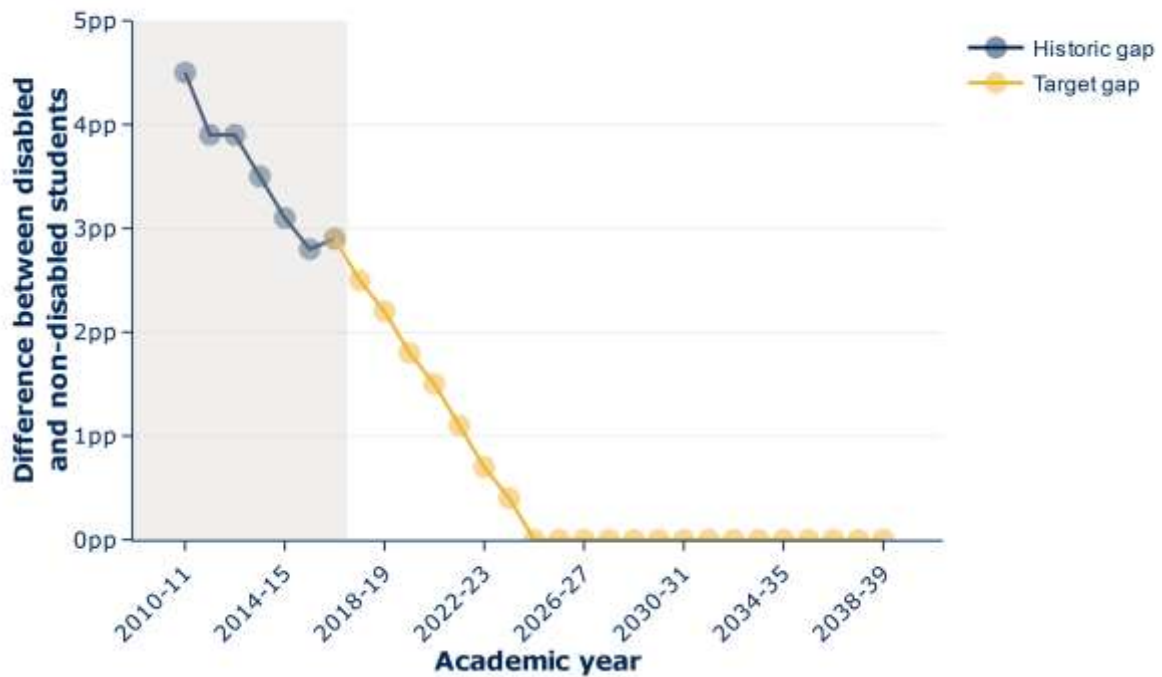


Population: Full-time undergraduate first-degree home graduates domiciled in England obtaining classified honours degrees from higher education providers in England.

Source: Individual student data from HESA and ILR. NB: 'pp' = 'percentage point'.

- d. To eliminate the gap in degree outcomes (1sts or 2:1s) between disabled students and non-disabled students by 2024-25 (see Figure 4).

**Figure 4: Target for KPM 5 – Gap in degree outcomes (1sts and 2:1s) between non-disabled and disabled students**



Population: Full-time undergraduate first-degree home graduates domiciled in England obtaining classified honours degrees from higher education providers in England.

Source: Individual student data from HESA and ILR. NB: 'pp' = 'percentage point'.

## Our decisions

### Cycle of plans

**Proposal 1:** The OfS will place the approval of access and participation plans onto a more strategic timescale, with the number of years during which a plan may be in force to be based on risk. Plans should continue to demonstrate clear long-term ambitions for how providers will achieve significant reductions in the gaps in access, success and progression over the next five years. We will review progress against plans each year. Providers at increased risk of a future breach of condition A1 will normally be expected to submit plans every three years. Providers considered not at increased risk of a future breach of condition A1 will be expected to submit their plans every five years. Where we have serious concerns about a future breach, we may expect more frequent resubmissions.



## Summary of consultation responses

1. There is broad support for the proposal that access and participation plans should normally remain in place for a period of at least three years and up to five years, rather than annually as at present.
2. The majority of respondents support proposals for a longer access and participation plan cycle because it will enable higher education providers to think and plan more strategically.
3. Respondents perceive that longer-term plans would encourage providers to be more innovative in their approaches, develop a wider range of activities and embed sustained interventions in partner schools and colleges.
4. Providers report that a three- to five-year cycle, with milestones at key intervals, will better enable them to track and monitor progress and demonstrate the impact of their access and participation work.
5. Consultees suggest that it is important to maintain the flexibility to refine and resubmit plans in response to changes in policy, local circumstances and evaluation evidence, even for those not at risk of breaching condition A1.
6. The main concern identified with this proposal is how the OfS will ensure there is clarity and rigour in how it identifies and monitors risk.

37. As proposed in the consultation, the OfS will place the approval of APPs onto a more strategic timescale, with the number of years during which a plan may be in force based on risk. This will be enforced from the next set of APPs, which will cover the academic years 2020-21 to 2024-25. Plans will need to demonstrate clear long-term ambitions for how providers will achieve significant reductions in the gaps in access, success and progression over this period.

38. We will review progress against plans each year. Providers at increased risk of a breach of condition A1 will normally be expected to submit plans every three years. Providers considered not at increased risk of a future breach of condition A1 will be expected to submit their plans every five years. Where we have serious concerns about a potential future breach, we may expect more frequent resubmission.

39. Following the initial approval of an access and participation plan for one year, approval will automatically roll over each subsequent year for a maximum period of five years, unless the OfS expressly notifies a provider in writing that a new plan needs to be submitted for approval. We would not normally expect a provider to be asked to resubmit its APP within the first year after submission.

40. We want providers to have a clear understanding of how we identify and monitor risk. We will ensure that our updated regulatory guidance, which we aim to publish by the end of February 2019, includes further support on this.
41. In consultation responses, providers raised the importance of making sure there is flexibility in the system to account for changes. Providers will be able to resubmit their plans for approval in any year, to account for any significant changes to strategy. Smaller changes can be reflected in the yearly action plans that will accompany the annual monitoring.
42. To ensure providers remain engaged with this important agenda, we will be monitoring data on an ongoing basis as it becomes available, in addition to an annual monitoring process. We will be engaging more actively with providers deemed to be at increased risk of a future breach of condition A1, including through the use of our regulatory powers such as enhanced monitoring. We will also be active in our engagement with higher education providers to promote good practice in relation to access and participation.

## Timetable for submission of plans

43. We will aim to give providers a minimum of 12 weeks' notice to develop and submit a new plan. We aim to publish reissued regulatory guidance by the end of February 2019, and therefore our provisional timetable is as follows:

Submit by	Received decision by
<b>End of May 2019 (priority will be given to those with an early application cycle)</b>	End of August 2019
<b>End of June 2019</b>	End of October 2019
<b>Mid-September 2019</b>	Mid-December 2019

44. Providers can submit plans for approval outside the specified timetable, depending on when their application cycle starts. We will aim to provide decisions on APPs within 12 weeks of submission, depending on the complexity of feedback and negotiation needed to approve the plan. We will be looking to work closely with providers to support them in the development of their plans.
45. The order in which we assess plans will be influenced by providers' application deadlines, and the order in which they are submitted. Providers will need to ensure they comply with consumer law advice from the Competition and Markets Authority<sup>11</sup> in relation to how and when they advertise their fees.

<sup>11</sup> See <https://www.gov.uk/government/publications/higher-education-consumer-law-advice-for-providers>.

## Monitoring of access and participation plans

**Proposal 2:** Providers will be expected to publish and submit to the OfS an impact report each year. Financial information previously collected in the annual access and participation monitoring process will be collected as part of wider OfS financial reporting processes. We will ensure that our requirements for impact reports are proportionate, with a lower burden for providers where the risk of a future breach of a condition is not increased.

### Summary of consultation responses

1. There is broad support for the proposal that providers be required to publish and submit to the OfS an impact report each year.
2. Three-quarters of respondents agree that submitting an action plan will make providers more accountable to their students, the OfS and the public for their performance in access and participation.
3. Representatives from the further education sector most strongly agreed that an action plan would make providers more accountable. National Union of Students (NUS) representatives and student respondents were more likely to disagree.
4. Respondents are particularly supportive of the statements that the proposed approach will be effective in improving providers' strategies to improve access and participation, and in capturing good practice and evaluation findings.
5. As noted in connection with Proposal 1, the main concern with this proposal relates to how the OfS will ensure there is clarity and rigour in how it identifies and monitors risk.
6. A small proportion of respondents expressed uncertainty about the overall impact of the proposed approach on burden for higher education providers, particularly smaller or specialist providers.

46. As proposed in the consultation, providers will be expected to publish and submit to the OfS an impact report each year, accompanied by an action plan setting out any steps that need to be taken to make improvements to their current plan. The format and exact content of the report have not yet been designed but we are committed to working with different stakeholders, including students, to ensure that the report is fit for purpose, and that information is accessible for students and the public. The OfS will consider imposing requirements via specific conditions depending on the risks arising with particular providers.

47. We are committed to ensuring that the monitoring process reduces burden on providers at reduced risk of breaching condition A1. We will take into consideration the needs of different types of provider, and ensure our requirements are proportionate to the size and context of the provider.
48. As proposed in the consultation, we will collect financial information about a provider's expenditure through the financial returns it submits as part of monitoring of the ongoing condition of registration on financial viability and sustainability (condition D). The investment in access and participation will be disclosed in the provider's audited financial statements. As part of a requirement for enhanced monitoring, we may require more information from those providers at increased risk of a future breach of ongoing condition A1.
49. The impact report will focus on the outcomes providers have achieved, as well as identifying lessons learnt from approaches that have not worked as well as expected. Some concerns were raised in consultation responses about the importance of context. The report will allow for a narrative to be provided alongside information on outcomes, to ensure context is not lost.
50. The OfS will be conducting ongoing monitoring of all the conditions of registration using national datasets, and the information submitted to us such as financial returns and Teaching Excellence and Student Outcomes Framework (TEF) submissions. This will include measures of fair access and participation, and we will look at how different conditions interact. For example differential outcomes for underrepresented groups will also be considered as part of the judgements made in relation to TEF and Condition B3<sup>12</sup>.
51. These different sources of information from across the OfS will provide a holistic picture of a provider. Where the data we are monitoring raises any concerns regarding a provider's performance across any of the conditions of registration, we will investigate this further, and use our regulatory powers where required to address any issues.
52. Each year, a small sample of providers will be subject to a deeper investigation by the OfS. This will include a look at how providers are complying with the provisions set out in their APPs.
53. Responses to the consultation revealed that respondents did not feel this monitoring approach would be effective in engaging students in the monitoring of access and participation. Meaningful student engagement is a key component of the proposed reforms to APPs. As with the 2019-20 APPs, we will continue to expect providers to engage students in the planning, implementation and evaluation of access and participation plans, and in addition we will expect providers to give their student bodies the opportunity to include a commentary in their annual impact reports. We will conduct

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<sup>12</sup> Condition B3: The provider must deliver successful outcomes for all of its students, which are recognised and valued by employers, and/or enable further study

further work with students, NUS and the OfS student panel, to better understand how we can continue to support meaningful student engagement in APPs.

## Targets

**Proposal 3:** Providers will be expected to include in their access and participation plans a set of strategic, outcomes-focused targets. A small number of these will be recommended by the OfS for use across all providers, and providers will continue to be able to set outcomes-focused targets related to their own contexts.

### Summary of consultation responses:

1. There is broad support for the proposal that providers be expected to include strategic, challenging and outcomes-focused targets for access and participation, and for the fact that the proposal allows for measurement of the comparability of performance across the sector and progress to improve access and participation.
2. Providers broadly support the proposal that the OfS should specify measures it will encourage providers to use when setting targets related to OfS aims.
3. Providers overwhelmingly support the proposal that providers should be able to set additional targets relative to their context.
4. Providers suggest that context and flexibility in approach will afford providers the ability to demonstrate their relative progress.
5. Providers welcome the setting of sector-wide aims and perceive that this will encourage a more focused and strategic approach for them to follow.
6. Respondents support the move to a standardised measure of success and suggest that this will incentivise providers to adopt a consistent approach to monitoring and evaluating their access and participation plans.

54. As proposed in the consultation, providers will be expected to set a small number of outcomes-focused targets to capture the impact of their work. Some of these will be recommended by the OfS for use by all providers, and will align with the KPMs the OfS has set for itself sector-wide. We expect providers to focus in their APPs on reducing the gaps in access, non-continuation, attainment, and progression to highly skilled employment or further study for students from underrepresented groups based on the position within their own institution and national data.

55. Providers will be asked to set targets using the following measures (details of how these measures are calculated can be found in Annex A):

- a. Gap in participation between most and least represented groups.

- b. Gap in non-continuation between most and least represented groups.
  - c. Gap in degree outcomes (1sts or 2:1s) between white students and black students.
  - d. Gap in degree outcomes (1sts or 2:1s) between disabled students and non-disabled students.
56. To account for mission and context, providers will be able to set additional outcomes-focused targets to reflect the priorities they have identified in their self-assessment of performance across the student lifecycle for different student groups, drawing on the access and participation dataset we will provide. Our understanding of risk and performance will not be disproportionately affected by specific targets. When monitoring providers' performance, we will look at all the measures identified in the access and participation dataset, as well as the targets providers have identified. This will give a more holistic understanding of performance in relation to the provider's aims, rather than simply looking at each individual measure in isolation.
57. Responses to the consultation raised concerns about the use of POLAR. We would strongly encourage providers to use POLAR4 when setting targets as it is a robust and widely used measure of underrepresentation in higher education. To account for these concerns, however, the access and participation dataset will be expanded to include other measures of disadvantage, such as free school meals, and other measures as the dataset develops over time. Following discussion with the OfS, where there is clear evidence that POLAR4 does not reliably reflect disadvantage in a provider's specific location, providers may choose to use other measures identified in the access and participation dataset.
58. We encourage collaborative targets being set in partnership with other providers to address any of the OfS specified-targets. For example, this might be a target across particular types of providers (such as the Realising Opportunities partnership), or a regional or geographical target (such as NCOP partnerships).

## Our approach to funding and investment

**Proposal 4:** The OfS will collect predicted access spending disaggregated by pre-16 activity, post-16 activity and work with adults and communities, in access and participation plans. We will also continue to collect information on the financial support that providers give to students, and set expectations that this financial support is robustly evaluated, and communicated clearly to students. We will no longer require providers to report on student success and progression spending.

### Summary of consultation responses

1. Although support for the collection and transparent publishing of access investment is widespread, a higher-than-average proportion of respondents from medium and

low tariff higher education providers, NUS and student unions disagree with this proposal. There are concerns that unless the published data is appropriately contextualised, it could be misunderstood and potentially misused, resulting in an 'unofficial league table'.

2. Disaggregating access spending by post-16 activities, pre-16 activities and work with adults and communities does not appear to present an issue for most consultees, and two-thirds agree with this proposal. Consultees perceive that disaggregating access spending could help to broaden provision and ensure that resources are apportioned appropriately as part of long-term strategies. Respondents suggest that publishing information would help to facilitate benchmarking and increase transparency, which, in addition to public accountability, would provide insights into the volume of spending on activities for different groups and potential gaps in provision.
3. While it is recognised that the proposed changes could have a positive impact on the level of resource invested in access, some respondents express concern that the proposal could result in an increased risk of providers diverting resources from success and progression; this, in turn, could have a detrimental impact on outcomes for these stages of the student lifecycle.
4. There are higher levels of disagreement with the proposal to disaggregate access spending among higher education providers compared with other subgroups. Providers are concerned that it will increase pressure to balance spending across the groups, even if one is a lower strategic priority.
5. There are calls to further disaggregate pre-16 activity spending by primary and secondary phases. However, this is unlikely to be universally welcomed by the sector because of lack of organisational capacity and the administrative burden it would place on staff, particularly in smaller providers.

59. As proposed in the consultation, the OfS will collect predicted access spending, disaggregated by pre-16 activity, post-16 activity and work with adults and communities in APPs. We will continue to collect information on the financial support that providers give to students, and set expectations that this financial support is robustly evaluated, and communicated clearly to students.

60. In consultation responses, some providers raised concerns that spending may be difficult to disaggregate in this way. Therefore when capturing access spending, we will include the means of capturing broader access spending that is not targeted at a particular age group. However, we would not expect providers to record significant levels of spending in this category. We will evaluate whether the level of disaggregation is appropriate following the first set of APPs.

61. As proposed in the consultation, the OfS will also no longer ask providers to report on spending on student success and progression. We recognise the concern that some

responses voiced, that this may result in less focus being put on these later stages of the student lifecycle.

62. We will continue to put significant focus on these important areas of the student lifecycle, and this is reflected in the OfS targets we have set for the sector, which we expect all providers to contribute to achieving. Our focus on outcomes, along with the ongoing monitoring of information across the OfS such as the access and participation dataset, TEF outcomes, and the National Student Survey, will secure robust oversight of and challenge to the progress providers are making. Where required we will use our regulatory powers, such as enhanced monitoring and specific conditions of registration, to engage more closely with providers.

63. We will evaluate the impact of this change, and may ask providers to report on investment in these areas in the future, if we feel the change has had a detrimental effect on progress towards our strategic aims.

## **Expectations on level of spending**

64. In the consultation, we said that we are considering whether we need to continue to set a minimum expectation of level of spending to secure a sufficient level of activity in access and participation, as the OfS takes a more outcomes-focused approach to regulation and moves its attention away from inputs.

### **Summary of consultation responses**

1. Respondents broadly agreed that a strong focus on targets and outcomes would create enough pressure to secure sufficient funding for access and participation to achieve change, without an expectation of spending. However, there was a greater degree of uncertainty than with other proposals in the consultation.
2. Supporters argue that high or minimum spending thresholds do not necessarily correlate with successful outcomes. Expectations of spending are felt to detract from the development of strategic approaches and even to provide perverse incentives to reduce activity in order to lower expenditure.
3. Those who disagree with the proposal suggest that the OfS should produce guidance on an appropriate or minimum expected level of spending that takes account of the contextual differences between providers, and that the OfS could consider producing guidelines without setting hard targets.

65. We will not set a minimum expected level of expenditure. Our focus will be on the outcomes that providers achieve and the level of ambition they set, rather than inputs in the form of investment. We will challenge providers' investment through our assessment of whether we believe their plans to be credible given the level of intended investment.



66. We believe that our access and participation regulation, together with other measures such as our regulation of quality and TEF, will serve as strong drivers in this area and that we should focus on outcomes rather than inputs in order to be consistent with the regulatory framework. We will, however, assess investment levels as part of our judgement of the credibility of plans, and we may apply additional requirements in this area to providers that we consider to be high risk.

## Principles of funding and investment

67. We consulted on the following principles, which will underpin our approach to funding and investment in access and participation:

- a. The funding we deliver should link directly to the outcomes we wish to achieve.
- b. Our decisions in respect of how we use our funding are made by having regard to our general duties.
- c. Our funding should be focused and targeted.
- d. Our funding should add value to the investment that providers make to support successful outcomes for students from underrepresented groups, and should support activity that otherwise would not take place.
- e. Our funding should support activity that delivers sector-wide benefits for students and addresses access and participation objectives which might not be delivered by the market alone.
- f. Our deployment of funds should be evidence-led.
- g. The impact and effectiveness of our funds should be evidenced to a level consistent with HM Treasury guidance.

### Summary of consultation responses

1. There is overwhelming agreement with the principles that the OfS is proposing should underpin its approach to funding and investment in access and participation. The importance of funding that encourages collaboration and partnership working is also highlighted. In this context, respondents suggest that the OfS may wish to consider whether it is appropriate to add a principle focused on funding in support of collaboration.
2. While most recognise the role that evidence fulfils in informing policy and funding decisions, a minority of consultees express concern that an increased focus on evaluation, and enhanced expectations of evaluation at the local level in particular, could present challenges and have a negative impact on areas of work where it is difficult to measure impact.

68. As set out in the consultation, our future funding approach is contingent on the outcomes of the ongoing government review of post-18 education and funding, and the government's response to this. We will undertake a review of our funding for access and participation, including the student premium, once this has been completed. Our plans for the future of the NCOP are detailed below.
69. There was overwhelming agreement in response to the consultation that the principles should underpin our future approach to funding and investment in access and participation.
70. We have reflected on feedback asking us to consider a principle focused on funding in support of collaboration.
71. While we provide funding for collaborative approaches, for example through the NCOP, this may not be appropriate for all aspects of our access and participation funding. We will continue to have due regard to the benefits of collaboration, as set out in our general duties.

## **National Collaborative Outreach Programme**

72. OfS investment in the NCOP is an example of our access and participation funding principles in action.
73. The NCOP was established in 2017 with the aim of rapidly boosting higher education participation for those from underrepresented groups, with a focus on the geographical areas where this work can have the most impact. In addition it has established a collaborative infrastructure for providers to work with each other and with schools and colleges, and thereby establish greater coherence and efficiency for higher education outreach. Following a review of the NCOP, we propose to build on this potential by expanding our ambitions for the partnerships supported by the programme. By broadening their role, we aim to support ongoing, sustainable, local collaboration to help schools and colleges access higher education outreach and provide a platform for wider collaboration, including joined-up careers advice.
74. This work is intended to complement and add value to the work that providers undertake through their APPs, in particular work that is best delivered in collaboration. Through the local partnerships the programme supports wider collaborative activity with local authorities and local enterprise partnerships, as well as with key partners such as the new local careers hubs and the opportunity areas.
75. The OfS board has agreed, in principle, to continue to provide funding to support the programme during the 2019-20 and 2020-21 academic years. Support beyond this point will likely depend on the outcomes of the government's 2019 spending review.
76. Our ambition is to ensure that the NCOP partnership infrastructure is sustained and aligned with activity delivered through APPs. Providers involved in NCOP should ensure that the work of their NCOP partnerships are embedded in their wider access and

participation strategy. We would encourage partners to include targets for core activity in their APPs.

## Evaluation

**Proposal 5:** Providers will need to complete a self-assessment of their evaluation activities against a set of criteria, as part of their access and participation plans. The core purpose of the tool will be to identify and support continuous improvement in evaluation.

### Summary of consultation responses

1. Consultees tend to agree that the evaluation self-assessment tool will lead to improvements in evaluation practice; however, almost a fifth disagree.
2. Those in support of a self-assessment tool believe that it will help to improve evaluation practice by supporting and encouraging higher education providers to capture evidence of what works, and to use this evidence to improve activities and approaches to delivery. Those who disagree with the proposal raise concerns about the level of resource required to implement the tool, and the burden it could place on staff who may not have the skills to undertake the process effectively.
3. Many consultees reported that they expected the self-assessment tool to be a 'template' or 'how to guide' to support the evaluation of access and participation, rather than a tool to assess the strength of providers' evaluation practice. A substantial proportion would like more information before they make a judgement.
4. Some respondents questioned whether a tool is required or whether other (existing) approaches would be more appropriate. Suggested alternatives include a peer review network, external assessors, and judgements made by the new Evidence and Impact Exchange. Others questioned whether it was the role of the regulator to get involved in the development of evaluation practice.
5. Respondents would like to work closely with the OfS to develop and pilot the tool to ensure it is flexible, user-friendly and fit for use in a range of different providers. They emphasise the importance of guidance to support providers to use and embed the tool within their organisations.

77. As proposed in the consultation, we will expect all providers to complete a self-assessment of their evaluation activities against a set of criteria, as part of the access and participation plan. Once an assessment of performance has been made, providers will be expected to set out the actions they will undertake to improve practice using an action plan.

78. The core purpose of the tool will be to identify and support continuous improvement in evaluation by the provider. It will also enable the OfS to set clear expectations of effective evaluation practice.
79. We have been pilot-testing the self-assessment tool to improve the design. Users have responded positively when assessing the quality of current evaluation practice and reflecting on how future plans can drive improvement.
80. To ensure burden on providers is proportionate and risk-based, the OfS will not expect the self-assessment tool to be completed as part of the annual monitoring process. However, we will expect the outcomes of providers' use of evidence and evaluation to form a significant element of their impact reports.
81. Providers may wish to complete the self-assessment tool more frequently to identify areas for improvement and we may ask providers to complete it more regularly as part of enhanced monitoring.
82. From 2019 the OfS is establishing the Evidence and Impact Exchange, which will focus on furthering understanding of higher education and social mobility. The exchange will use evidence and evaluation to understand and show how higher education contributes to social justice and mobility. This will support higher education providers with their evaluation work.

## **Research into the use of tracking services to support evaluation of access and participation activities**

83. As part of the consultation we asked respondents what support they felt the OfS could provide to enable more effective use of tracking services.

### **Summary of consultation responses**

Respondents identified five areas where there could be a role for the OfS in developing tracking services. These include:

1. Identifying administrative data to complement what is captured through the trackers, and providing support to link data together.
2. Building capacity to engage with tracking services and producing guidance on the use of tracking data for evaluation.
3. Minimising the cost to providers of accessing tracking data, meeting that cost, or both.
4. Influencing the type of data captured, to include geographical markers and spending.

5. Ensuring, in the absence of a single national system, that existing services work collaboratively and use consistent definitions.

84. The OfS will work with higher education providers, NCOP partnerships, the Evidence and Impact Exchange and the higher education tracking services to support improvements in the services provided and how they are being used.

85. Tracking services are expected to play a central role in improving the impact of providers' access and participation activity, particularly in relation to effective targeting for access interventions and enhancing evaluation practice. Our work will also aim to support providers to meet the challenges that exist around accessing multiple national datasets and working with sensitive individualised data. It will include:

- identification of effective practice at provider level in the use of tracking services for targeting and evaluating activities
- a review of current tracking services and the data landscape, including a value for money assessment
- an appraisal of opportunities and challenges for building sector-wide infrastructure and capability
- an assessment of the potential role for longitudinal tracking in supporting OfS strategic objectives.

## Our approach to data

**Proposal 6:** The OfS will undertake further work to explore whether it should require providers to submit and publish transparency data by age and disability. This is in addition to data split by gender, ethnicity and socioeconomic background, which is part of the transparency information condition F1 required by the current OfS regulatory framework.

### Summary of consultation responses

1. The majority of respondents support the proposal that the OfS should undertake further work to explore whether it should require providers to submit and publish transparency data by age and disability.
2. The majority of respondents express the view that collecting and understanding age and disability data would improve the evidence base surrounding the needs of mature and disabled students.

3. Respondents' concerns with this proposal centre around the availability and accuracy of this data, and suggest that where insufficient data is available, it may be difficult to draw reliable conclusions surrounding performance and impact of access and participation activities on these groups.
4. Respondents highlight the necessity to distinguish between physical and mental health and disability, to gain an accurate understanding of the needs of these students.

86. As proposed in the consultation, the OfS will undertake further work to explore whether it should extend the transparency information condition (condition F1) to include breakdowns by additional student characteristics of age and disability.

87. Should this work result in the OfS seeking to include these additional student characteristics in the breakdown of the data, it will formally consult on its proposals in spring 2019.

**Proposal 7:** The OfS will create, publish and maintain an access and participation dataset that provides a picture of access and participation across the higher education sector and at individual providers.

#### **Summary of consultation responses:**

1. There is widespread support for the proposal to create, publish and maintain an access and participation dataset. Respondents recognise the value that a comprehensive, consistent and high-quality source of data would add to the sector, aiding monitoring and evaluation as well as the development of access and participation strategies.
2. Some consultees' primary concern is that publicly available data could be subject to misuse or misinterpretation. They suggest that careful consideration should be given to the format of the data, including how it is presented, to ensure it is appropriately contextualised.
3. A proportion of respondents emphasise the importance of incorporating existing metrics into the dataset to ensure consistency and comparability and to facilitate links to other relevant data sources, such as the TEF, to minimise duplication.
4. Consultees most commonly 'tend to agree' that the proposed datasets would help to hold providers to account on their performance against their targets. Providers perceive that the dataset will help them to identify areas of strength and weakness relative to other providers, and priorities for improvement.

5. Some consultees are unclear who will have access to the data and who will be using it to hold providers to account, and this a concern. They perceive a risk that data will be misinterpreted and reported inaccurately, particularly by the media. A further perceived risk is that prospective students are misinformed as to the performance of individual providers, particularly if the data is taken out of context.
6. Other measures of socio-economic status (beyond POLAR), and additional measures such as pre-entry qualification route, mode of study, status as a care leaver, young carer or refugee or asylum seeker, and parental background are suggested for inclusion in the dataset.

88. As proposed in the consultation, the OfS will create, publish and maintain an access and participation dataset. This will provide a sector-level picture of the challenges in access and participation across the student lifecycle, and also at provider level. In addition, it will provide clarity on how we assess performance across the lifecycle. This dataset will be published on the OfS website.

89. In the consultation responses, some providers raised concerns about the need for context to understand the dataset. While we do not currently plan to include any narrative at provider level, we will ensure that users can easily navigate to providers' APPs to understand more about individual providers.

90. We will also produce a user's guide, suitable for students and the wider public, to support users to understand the information available in the dataset. We will work with potential users to ensure that the format of the dataset and the information contained are fit for purpose, and accessible.

## The access and participation dataset

91. The first release of the access and participation dataset will be available to providers in late February alongside new regulatory guidance for APPs for 2020-21 onwards, and will become publicly available later in the year. The dataset will then evolve over time. It will provide a sector-level picture of the challenges in access and participation across the student lifecycle, and also at individual provider level. It will consist of a visual and interactive dashboard of data in the form of graphs, supported by access to additional and more granular supporting data tables.

92. The main dashboard will show gaps in access and participation for the following groups at each stage of the student lifecycle:

- a. **POLAR** – gap between quintile 1 and quintile 5 students.
- b. **Ethnicity** – gap between white and black, Asian and minority ethnic students.
- c. **Age** – gap between young students (under 21 on entry) and mature students (21 and over on entry).

d. **Disability** – gap between disabled and non-disabled students.

93. The supporting data tables that will accompany the dashboard will allow users to explore and understand a wider range of characteristics in more granular detail. A breakdown of what will be included in the supporting data tables can be found in Annex A.

### **Development of the dataset**

94. The OfS expects to develop and refine the dataset as additional measures become available, and to accommodate changes in the wider data landscape including the following:

- a. Ongoing OfS development work towards a more standardised set of measures to track the access and participation performance of the sector is expected to generate intersectional measures of disadvantage that can be incorporated into the dataset later in 2019.
- b. The introduction of the Graduate Outcomes survey (replacing the Destination of Leavers from Higher Education survey), and implementation of the Higher Education Statistics Agency's Data Futures programme will necessitate definitional changes to measures of continuation and progression.

95. An intersectional measure of disadvantage will be added to the supporting data tables following OfS development work during 2019. We are working with UCAS to understand any opportunities for alignment of the intersectional measure with the Multiple Equalities Measure. Alongside this, we will also seek to enhance the functionality of the dataset in terms of the ability to consider the intersection of any characteristic included with any other characteristic in the dataset.

96. We expect to incorporate information on household residual income (HRI) later in 2019. This will enable consideration of the gap between students with low HRI (based on Student Finance England's threshold for means tested contributions) and those with HRI above this threshold. The OfS will also explore the feasibility of examining gaps in outcomes between care leavers and those who have not been in care.

97. In future, we will also include an additional measure of student retention and completion that aligns with the definition in the transparency information condition. This will be in addition to the established measure of continuation used in the UK Performance Indicators and the TEF. We will consider further opportunities to align definitions with those specified for the purposes of the transparency information condition wherever possible.

## **What happens next**

98. We hope the information contained here will support providers to start considering the implications of the reforms to how we will regulate access and participation in their institution. We particularly encourage providers to begin to plan the setting of their targets, taking into account the OfS targets and our guidance.



99. We are developing our proposals further, and plan to issue a new regulatory notice covering APPs for 2020-21 onwards in late February. At the same point in February we will also publish the evaluation self-assessment tool, and make the access and participation dataset available to providers.

100. Following the publication of the evaluation self-assessment tool and the dataset, we will be providing training in the form of workshops, and online resources to support the sector. We will also be running further events to give providers additional opportunities to hear from OfS staff and ask questions about preparing their next access and participation plan.

## **Further information**

101. If you have any queries or wish to discuss the outcomes of the consultation or the impact on your provider or organisation, or if you require this document in an alternative format, please email [apreview@officeforstudents.org.uk](mailto:apreview@officeforstudents.org.uk).

## Annex A: Access and participation dataset

1. The supporting data tables that will accompany the dashboard will allow users to explore and understand a wider range of characteristics, as well as the characteristics in the dashboard in more detail. This will include the gaps in outcomes related to:
  - a. Participation of Local Areas (POLAR) quintiles:
    - i. Gap between quintile 1 and quintile 5 students.
    - ii. Gaps between all quintiles.
    - iii. Gap between quintile 1 and 2 students, and quintile 3, 4 and 5 students.
    - iv. Gaps between each quintile and the aggregation of all other quintiles (for example, quintile 1 students and the totality of quintile 2, 3, 4 and 5 students; quintile 2 students and the totality of quintile 1, 3, 4 and 5 students).
  - b. Ethnicity:
    - i. Gap between white and black, Asian and minority ethnic students.
    - ii. Gap between white and black students.
    - iii. Gaps between all individual groups.
    - iv. Gaps between each ethnic group and the aggregation of all other groups (for example, Asian students and the totality of white, black and minority ethnic students; black students and the totality of white, Asian and minority ethnic students).
  - c. Disability (based on self-declared disability status):
    - i. Gap between disabled and non-disabled students.
    - ii. Gaps between students with learning disabilities, physical disabilities, mental health disabilities or problems, and no declared disability.
  - d. Age (on entry to their programme of study):
    - i. Gap between young students (under 21 on entry) and mature students (21 and over on entry).
    - ii. Gap between more granular age bands (under 21, 21 to 25, 26 to 30, 31 to 40, 41 to 50, and 51 and over).
  - e. Gender – gap between male and female students.

- f. English Index of Multiple Deprivation (based on the 2015 Index of Multiple Deprivation):
  - i. Gaps between all quintiles.
  - ii. Gap between quintile 1 and 2 students, and quintile 3, 4 and 5 students.
  - iii. Gaps between each quintile and the aggregation of all other quintiles (for example, quintile 1 students and the totality of quintile 2, 3, 4 and 5 students; quintile 2 students and the totality of quintile 1, 3, 4 and 5 students).
- g. Free school meals – gap between students who were eligible for free school meals and those who were not.
- h. The interaction of ethnicity (white and black, Asian and minority ethnic students) and English Index of Multiple Deprivation (quintile 1 and 2 students, and quintile 3, 4 and 5 students).
- i. The interaction of gender (male and female students) and POLAR quintiles (quintile 1 and 2 students, and quintile 3, 4 and 5 students).

## Annex B: List of abbreviations

<b>APP</b>	Access and participation plan
<b>HESA</b>	Higher Education Statistics Agency
<b>HRI</b>	Household residual income
<b>ILR</b>	Individualised Learner Record
<b>KPM</b>	Key performance measure
<b>NCOP</b>	National Collaborative Outreach Programme
<b>NUS</b>	National Union of Students
<b>OfS</b>	Office for Students
<b>POLAR</b>	Participation of Local Areas
<b>TEF</b>	Teaching Excellence and Student Outcomes Framework



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