

Office for  
Students

The logo for the Office for Students, featuring a dark blue square with a yellow square in the top right corner containing the letters 'OfS' in white.

OfS

# Consultation on a new approach to regulating equality of opportunity

18 October 2022

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# Agenda

## 1400 **Welcome**

Charlie Leyland, Student Participation Lead

## **Keynote**

John Blake, Director for Fair Access and Participation

## **Consultation proposals**

Elizabeth Garnham, Student Participation Lead

Alison Brunt, Head of Institutional Performance Measures

## **Questions and answers**

## 1530 **Close**

# Event notices

- Closed captions are available – please click the CC icon
- A recording of this event will be available on the OfS website
- Please use the Q&A box rather than the Chat box to ask a question
- Use the Chat box if you would like to speak to the events team.

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# Risks to equality of opportunity

## A new framework for the OfS's access and participation work

John Blake

Director for Fair Access and Participation

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# The Office for Students

Every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers.

## Participation

### Objective 1

All students, from all backgrounds, with the ability and desire to undertake higher education, are supported to access, succeed in, and progress from higher education.

## Experience

### Objective 2

All students, from all backgrounds, receive a high quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure.

## Outcomes

### Objective 3

All students, from all backgrounds, are able to progress into employment, further study, and fulfilling lives, and their qualifications hold their value over time.

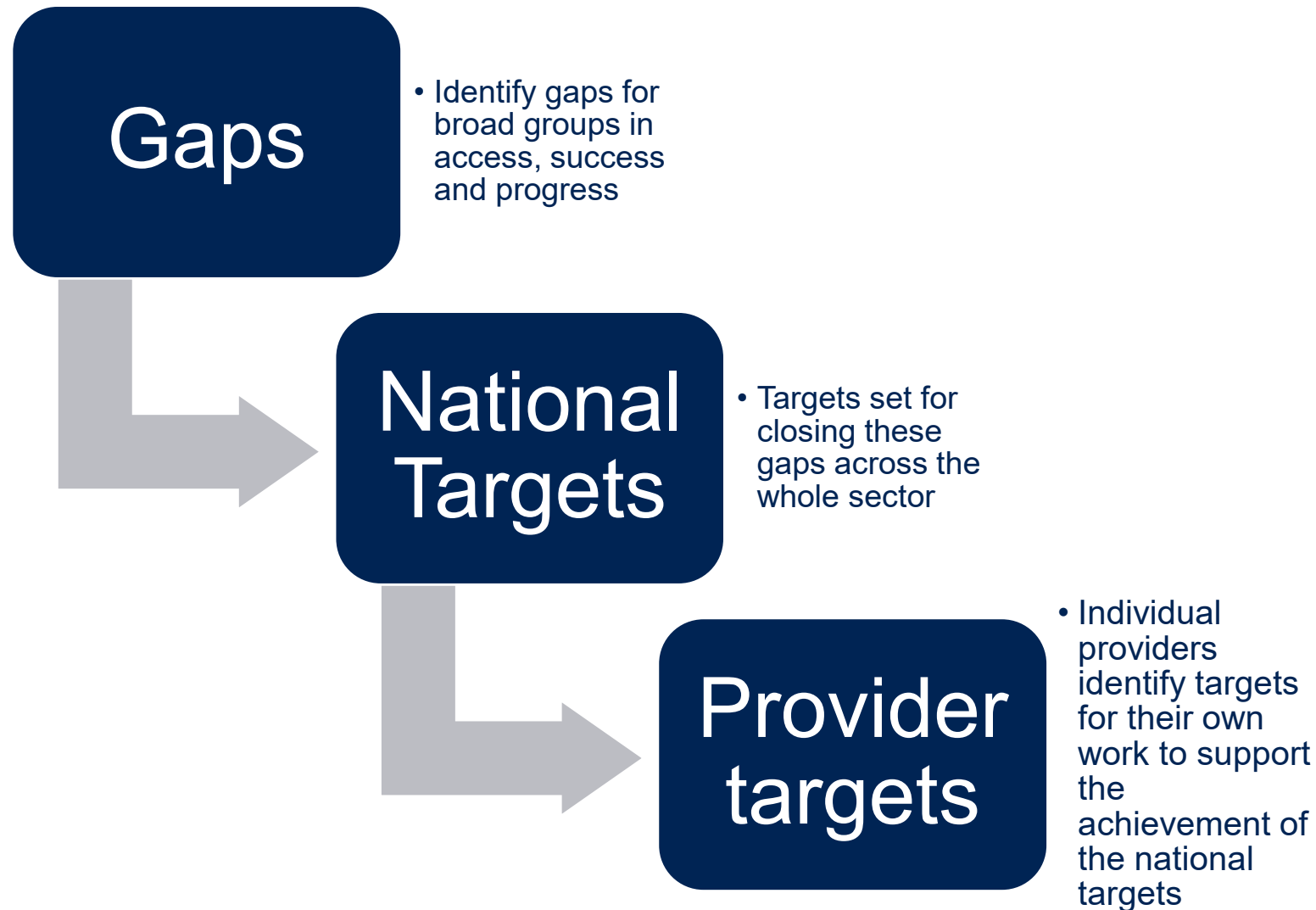
## Value for money

### Objective 4

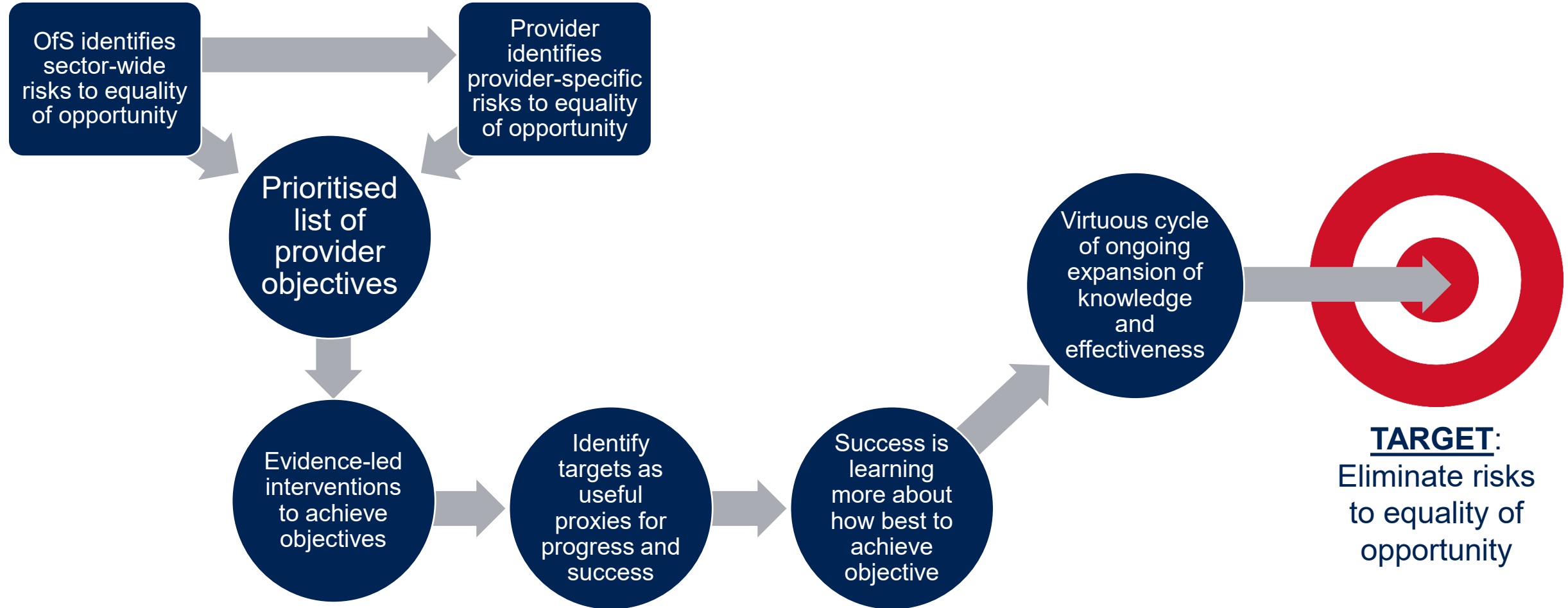
All students, from all backgrounds, receive value for money.



# Current access and participation plan model is a cascade



# New model targets risks to equality of opportunity





# Why move to a more complex framing?

1. Ensure problems are being identified, understood and tackled in their full context
2. Harness the intellectual and problem-solving knowledge and skill within the higher education sector
3. Provide a rational basis for prioritising activity in sensitive areas
4. Avoid creative compliance and unintentional negative outcomes

# What is a “risk to equality of opportunity”?

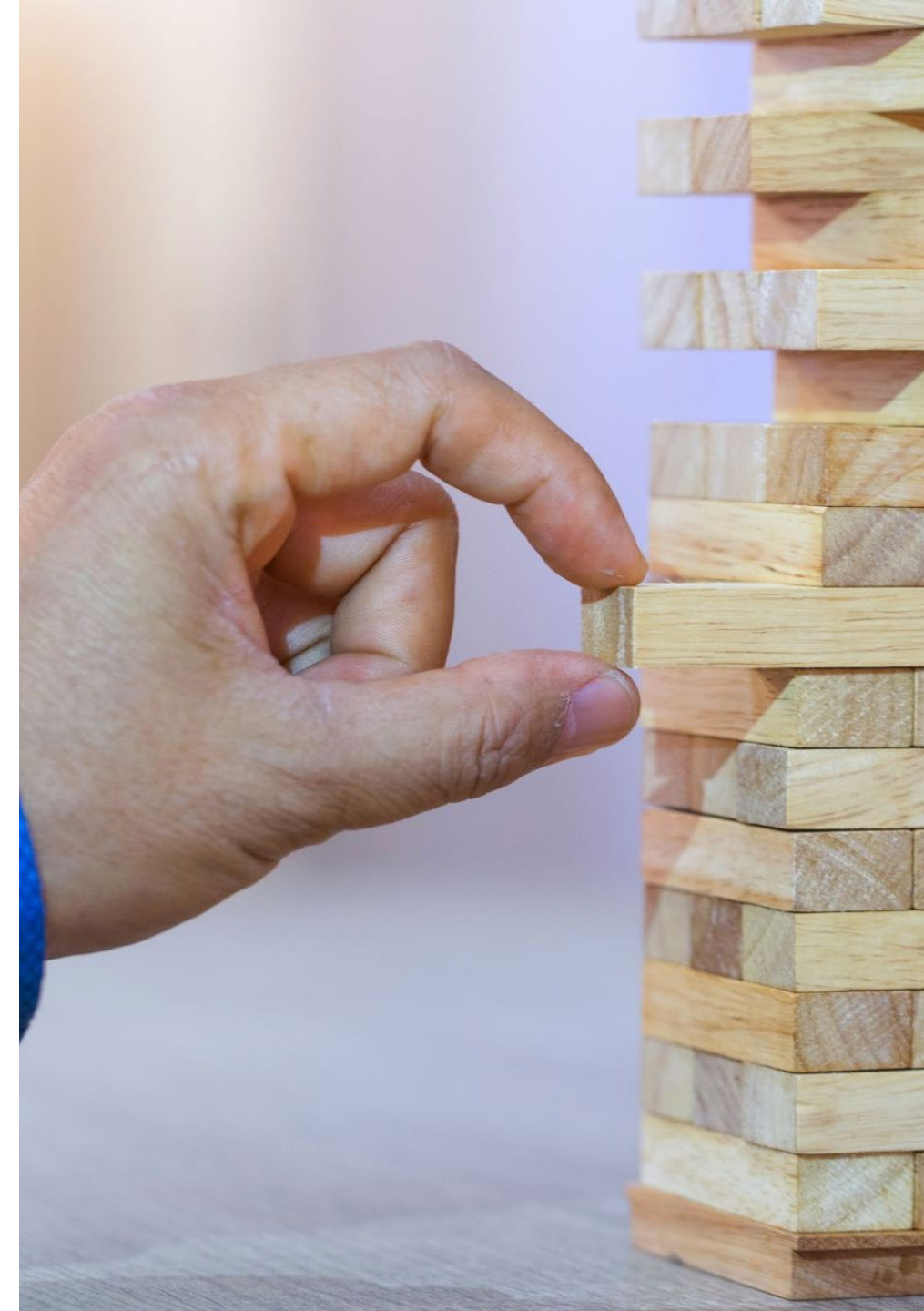
“ Risks to equality of opportunity occur when an individual, because of circumstances that the individual did not choose, may have their choices about the nature and direction of their life reduced by the actions or inactions of another individual, organisation or system. ”

- Tackling risks to equality of opportunity is **not about ensuring equal outcomes for all** but ensuring that **differential outcomes are not the result of circumstances individuals cannot fairly influence**.
- Discrimination, both direct and indirect, is a clear example of a risk to equality of opportunity. But risks can also occur even where there is no malign intent, for example, where the longer-term consequences of actions or inactions are later discovered to have resulted in a narrowing of choices for individuals that was not initially obvious.
- Risks to equality of opportunity are complex and multi-faceted—the likelihood of risks impacting on any given individual’s choices, the severity of that impact, and number of individuals so impacted, requires sophisticated analysis.
- Determining which are the greatest risks is not a matter of quantity of those affected, but also the impact of the quality of life of individuals of a risk manifesting.

# Why use “risk” here?

- The OfS is already a risk-based regulator: we are not interested in command, control and compliance for its own sake but on the identification and mitigation of risks to the achievement of its objectives.
- **Risks to equality of opportunity are not guarantees that equality of opportunity cannot occur:**

Even in cases of the most egregious discrimination and wrongs, there can be individuals who are not prevented from progressing by them. That individuals can succeed in our society, even when faced with grave challenges caused of circumstances they cannot control, should not blind us to the reality that many others, seemingly very similar to those exceptional individuals, cannot.



# Key points to bear in mind...

- This approach will identify many more risks than it is possible for any one body or even the whole sector to meaningfully manage
- All risks are not equal and will not require the same level of mitigation
- Certain mitigations for risks may not be cost effective in comparison to the scale and severity of the risk
- Mitigation is not abolition – some risks are beyond the power of any part of the higher education sector, individual or collectively, to erase and some mitigations may seem worthy but be impractical or inefficient as a result.

# Some initial responses to initial responses

- Why is the consultation timeline the length it is?
- Will the Equality of Opportunity Risk Register (EORR) cover more than just risks handled through the access and participation plans (APPs)?
- What happens if system-wide risks do not appear to be properly addressed through the collective of APPs?
- What role does POLAR/TUNDRA play in this work?
- What is the role of TASO (Centre for Transforming Access and Student Outcomes in Higher Education) and Uni Connect in this work?



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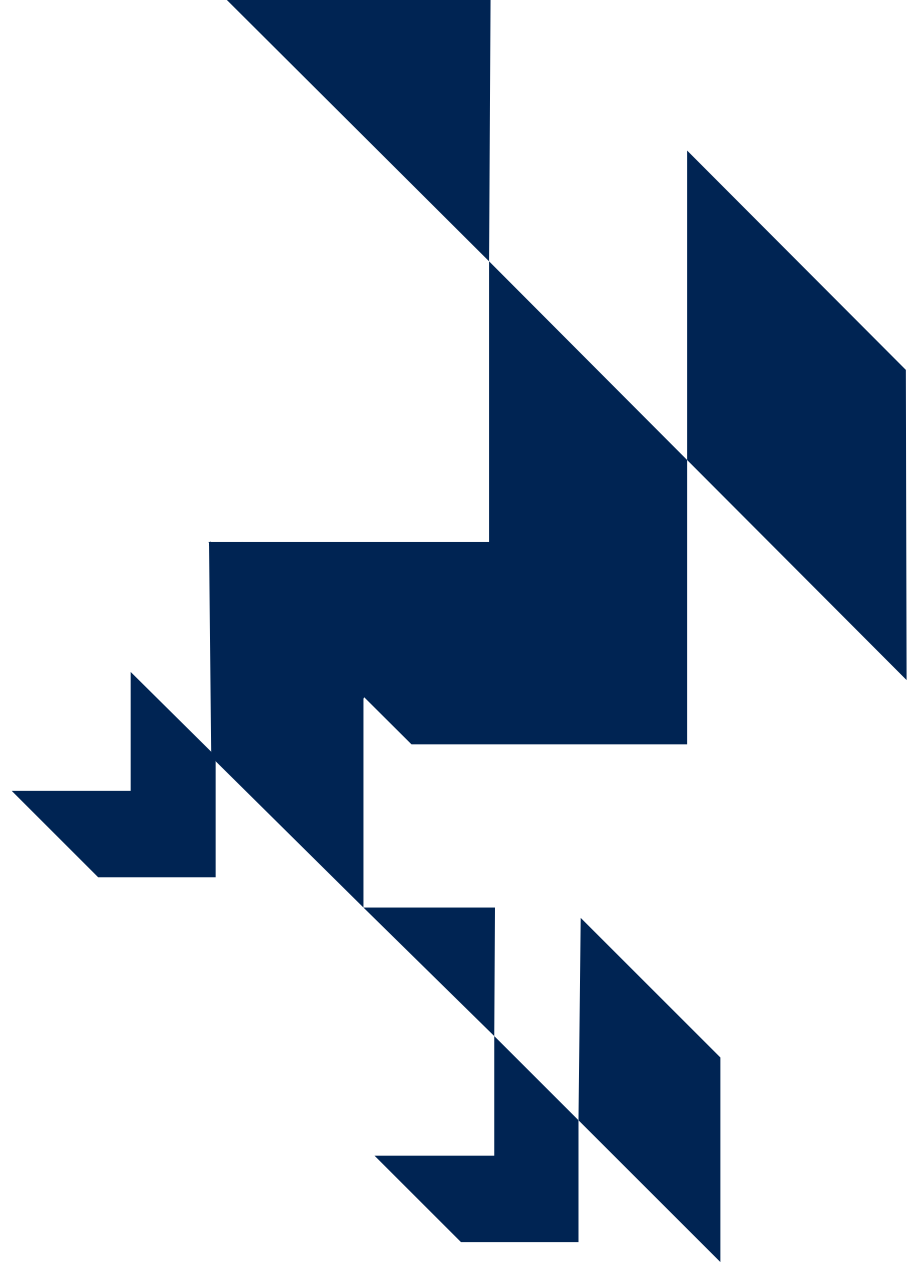


# Consultation proposals

Elizabeth Garnham  
Student Participation Lead

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# **Scope of an access and participation plan**





# Risks to equality of opportunity

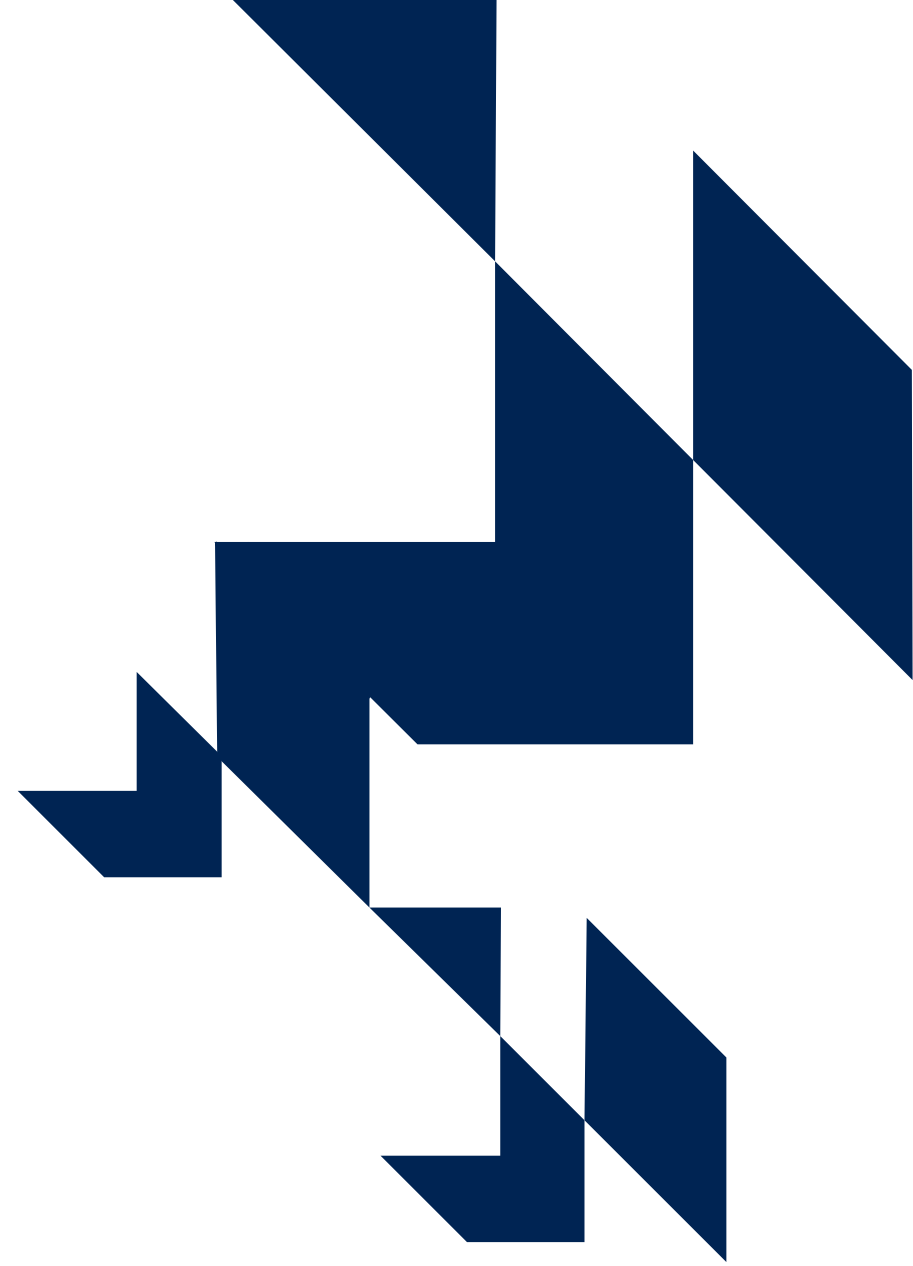
- We propose that a provider's access and participation plan should be focused on 'risks to equality of opportunity'.
- We propose that a provider should have regard to the OfS Equality of Opportunity Risk Register (EORR) when identifying its risks to equality of opportunity.



# Four-year duration and publication of information about a provider's delivery of a plan

- 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.

# **Content of an access and participation plan**

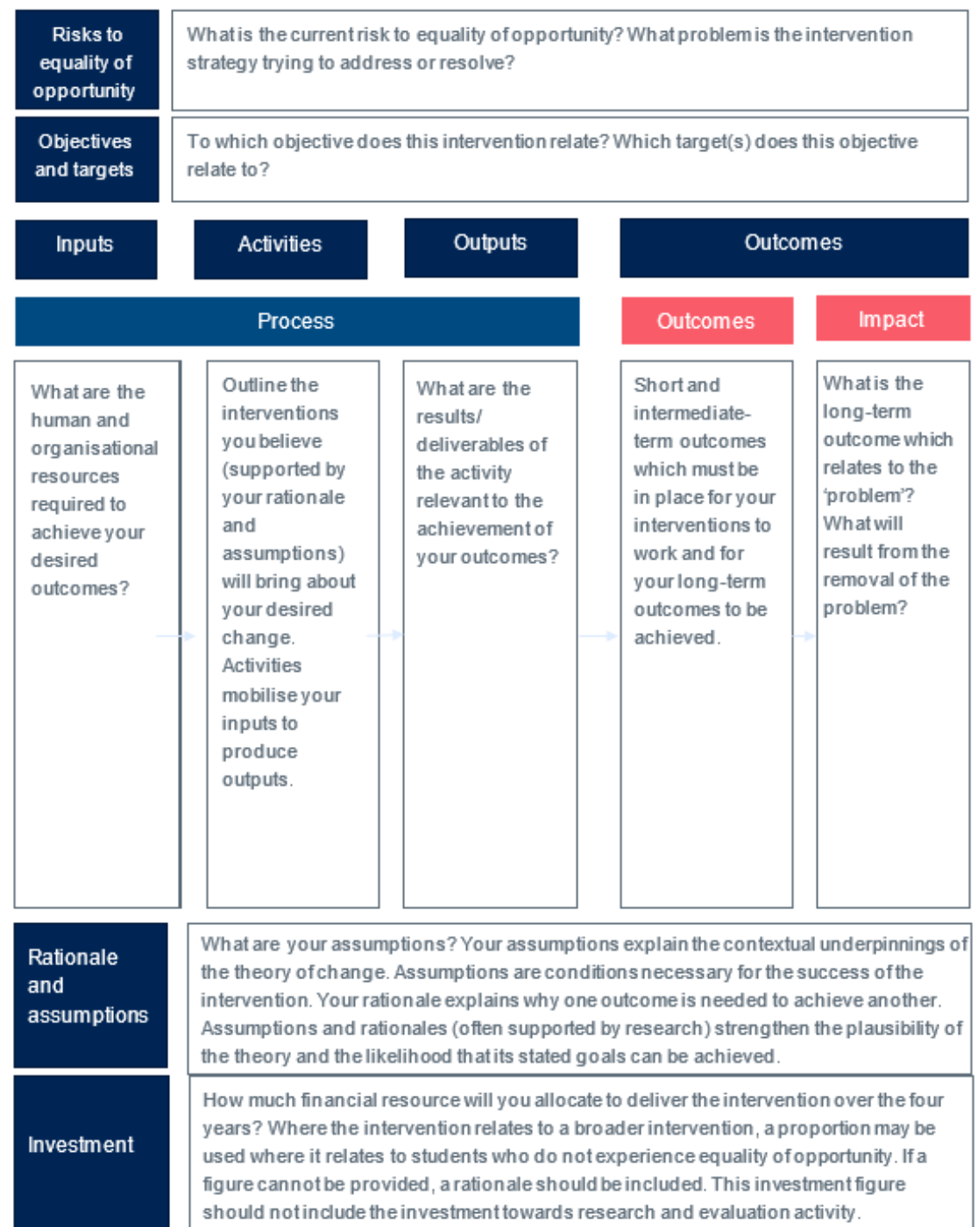


# Format and content of an access and participation plan

- 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.

# Intervention strategies

- 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.



# Targets

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



# Evaluation

- 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.

# Investment

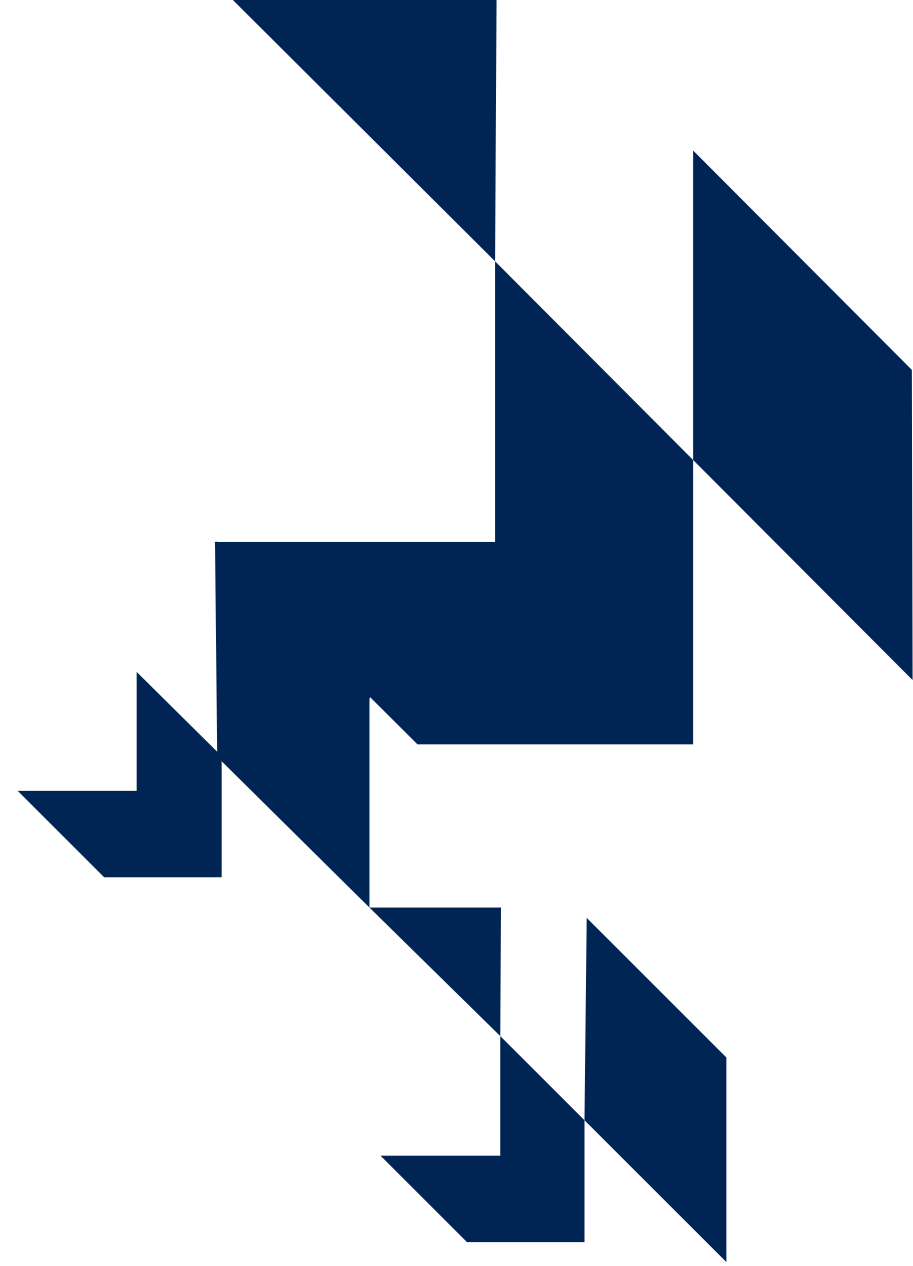
- We propose that a provider should be expected to include information on how much it is investing in each intervention strategy.
- We propose to no longer ask a provider for information on access investment in the targets and investment plan document.
- We propose to continue to ask a provider for information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



# Raising attainment in schools and collaboration

- We propose that there are key sector-level priorities in the EORR that we would expect to be reflected in the majority of access and participation plans.
- 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.

# **Access and participation data**

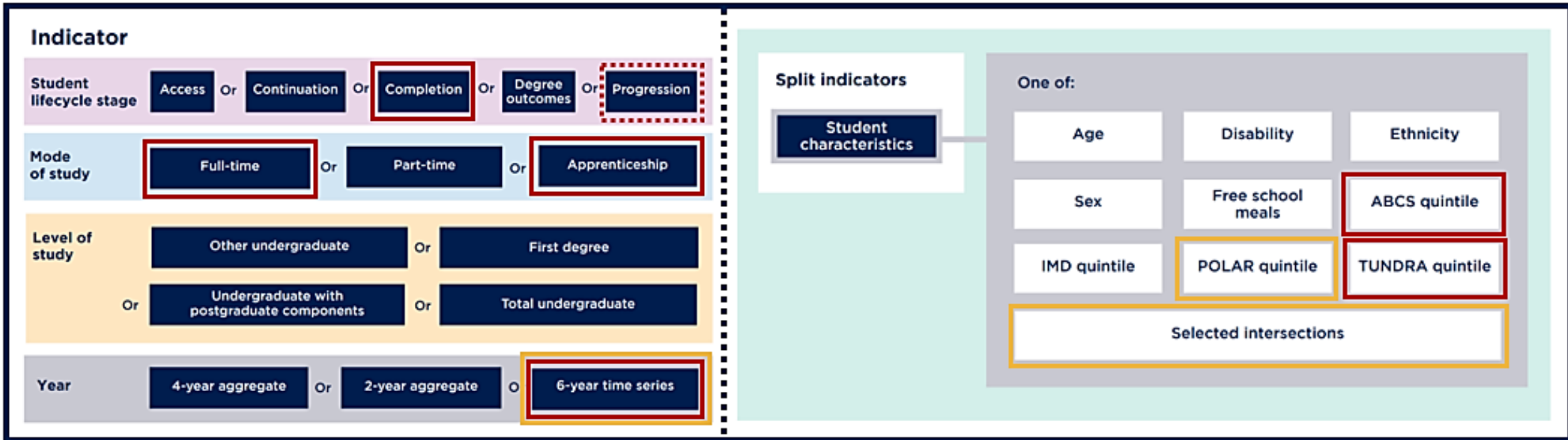


# Assessment process

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



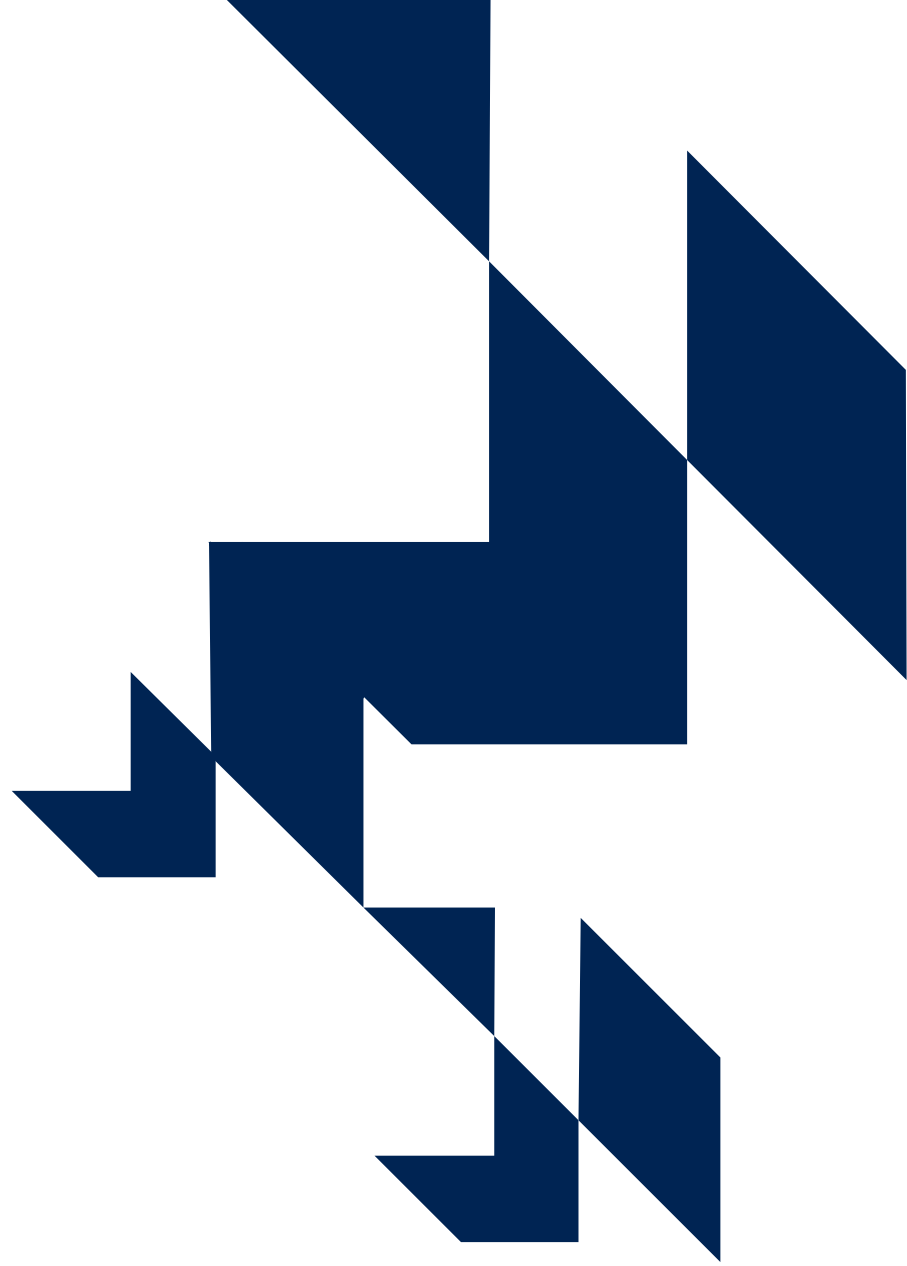
# Data indicators: consultation and decisions



 New addition to the access and participation data dashboard

 Likely to change or remove in 2025 and later publications

**Aspects of the  
existing approach  
that will be  
retained**



# Student engagement

- A plan may include a separate student submission regarding the provider's plan.
- We expect providers to involve students as active partners and co-creators in the development, implementation and evaluation of their work.



# Aspects to be retained

- Monitoring condition A1
- Provision of information to students
- Whole provider approach
- Student submissions



# Links

- [Regulatory framework for higher education in England](#)
- [Regulatory notice 1: Access and participation plan guidance](#)
- [TASO – Establishing a theory of change model](#)
- [Insight event – Raising attainment, improving access, securing success](#)
- [Consultation outcomes: Constructing student outcome and experience indicators for use in OfS regulation](#)
- [Blog – Partnerships to increase equality of opportunity for all students](#)
- [Consultation on a new approach to regulating equality of opportunity in English higher education](#)

For further information please contact: [app@officeforstudents.org.uk](mailto:app@officeforstudents.org.uk)



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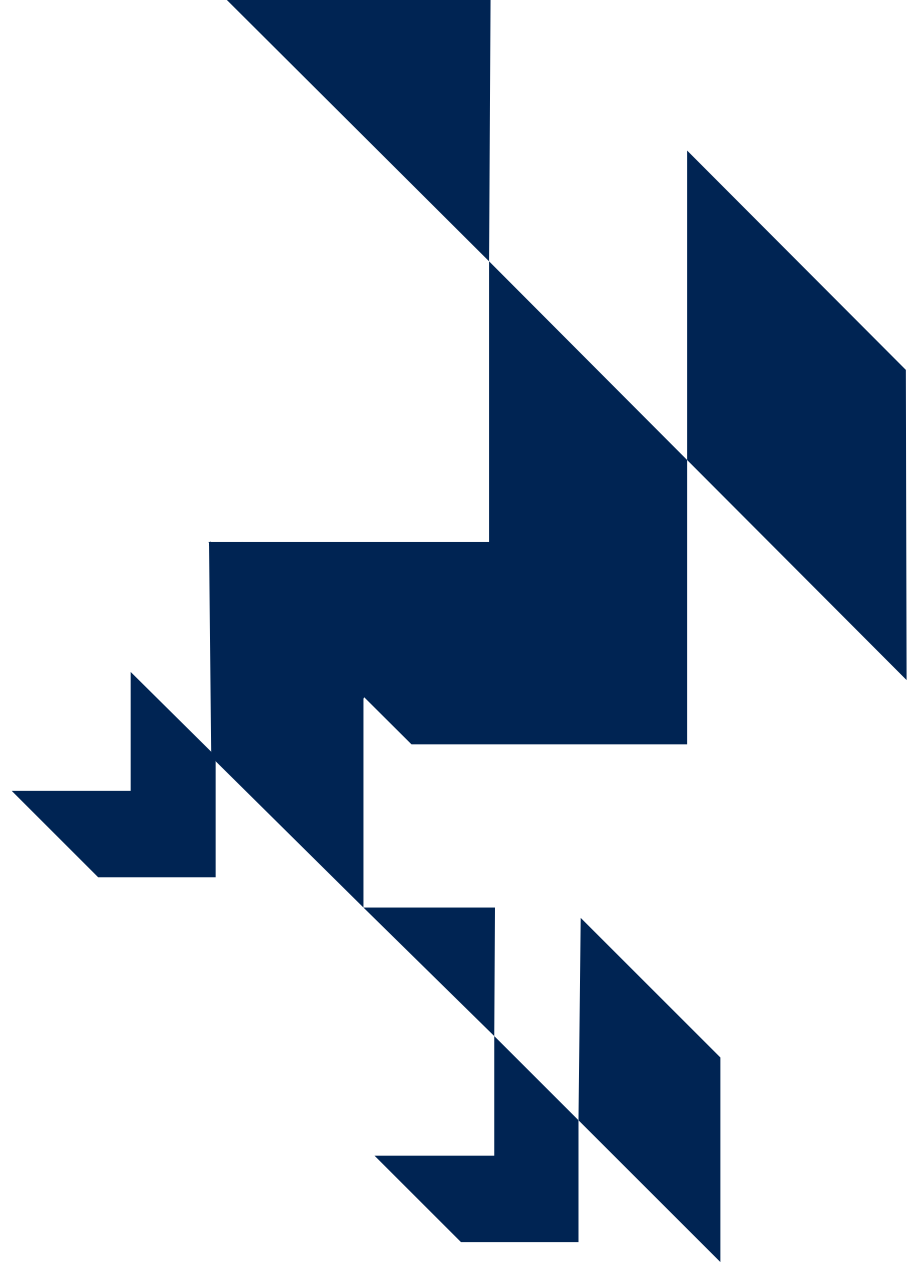
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# Questions and answers



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# Thank you for listening

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