

INDEPENDENT HIGHER EDUCATION

IHE response to the consultation on the OfS
Strategy for 2025 – 2030

February 2025

Introduction

IHE welcomes the opportunity to respond to the draft OfS Strategy and the open communication from OfS colleagues during the consultation period. We also particularly welcome the OfS's engagement with students, including IHE's own Student Advisory Board, and the OfS's recognition of the importance of the student voice in setting the strategic priorities that will shape their experience of Higher Education (HE).

The proposals here, and crucially how they are then operationalised, will have a significant impact on both the day-to-day operations and the longer-term strategic plans of our member providers, and as a result their students. These form a growing group of providers, many of whom deliver in small and specialist settings. They are at the forefront of delivering technical and industry-focused education and training and make a significant contribution to widening access to HE through flexible and personalised learning models that attract and support those who might not otherwise undertake higher level study. They work hand in hand with industry to drive growth through the provision of skills education across qualification levels and beyond graduation.

The launch of a new Strategy presents an important opportunity for the OfS to establish a direction for regulation that will empower all providers to meet the needs of students and of industry, thereby contributing to the overall growth of the UK economy. It is also a critical moment for the OfS to restore confidence and strengthen its relationship with the higher education sector and beyond. To do this, the OfS must first and foremost focus on critical core functions – reinstating provider registration and Degree Awarding Powers processes and ensuring that its communication and engagement with providers is responsive and timely. Only by trusting in the OfS's effective administration of these statutory duties can providers deliver dependably for their students, as well as enhance their provision, expand their offer, and secure investment. We call

for greater transparency to allow all stakeholders to hold the OfS to account for the discharging of these duties, through unambiguous published metrics.

Throughout our response we express our concern that neither the OfS, nor the sector, has the resource necessary to make a success of the wider proposals in the Strategy. We call for an assessment of impact and burden before any new streams of activity are commenced.

Another key message in our response is that the Strategy needs to demonstrate more clearly how the OfS will prioritise investment, innovation, and growth in the HE sector. This includes how it will recognise and support a diverse sector through a regulatory model that works for all providers and every type of provision. This is critical to enable true student choice and equality of opportunity by empowering providers to continue developing diverse and flexible models of HE that attract and support learners from all backgrounds.

In doing so, the Strategy also needs to reflect future change, including the impact of the Lifelong Learning Entitlement (LLE) and the DfE's proposals for franchised provision. This will lead to a further expansion of the OfS Register, bringing in more providers with models that differ from the traditional HE offer, and who cater for an even more diverse set of learners who benefit from these models. The Strategy needs to face into this future and demonstrate how the OfS will regulate differently to enable the success of a necessarily changing and growing sector.

Question 1: Do you have any comments to make on the OfS's proposed strategy for 2025 to 2030 or the priorities set out within it?

We have a number of overarching comments to make and will then address each of the strategic priorities in turn.

The launch of a new Strategy presents an important opportunity for the OfS to establish a direction for regulation that will support and empower all providers to meet the needs of students and industry; and contribute to growth. It is also a critical moment for the OfS to restore confidence and strengthen its relationship with the sector, by establishing clear, achievable strategic priorities and demonstrating that it can deliver these within current budgets and timeframes.

To do this, the OfS must first and foremost focus on the core functions which are critical to the ongoing confidence and resilience of the sector. It must reinstate provider registration and processes to grant Degree Awarding Powers. It must ensure that its communication and engagement with providers is responsive and timely. It is only through the effective delivery of these core duties that the OfS can become a builder and not a blocker of a diverse and dynamic sector of higher education providers who want to meet the needs of their current students, as well as to enhance their provision, expand their offer, and secure growth.

Focusing on core functions will ensure that OfS brings as many eligible higher education providers as possible into the regulated sector so that more students can benefit from the protection the regulatory framework offers. This overarching ambition should be front and centre of any OfS Strategy that is serious about promoting equality of opportunity. It should be the regulator's first priority, second to none, to ensure that providers of alternative models of higher education which attract higher numbers of students from underrepresented backgrounds,

including those who need to retrain and upskill later in life, are able to apply to register with the OfS, are supported with clear and accessible guidance to do so, and can expect an initial and ongoing registration process that is timely, efficient and fit for the size and scale of the provision in scope of regulation.

There need to be transparent and rigorous mechanisms to hold the OfS to account for its performance – just as the OfS holds providers to account for theirs – through published metrics and an independent assessment of their delivery of core functions as well as any additional strategic commitments.

We are concerned that the proposals in the Strategy are too ambitious given the stark reality that the OfS does not have the capacity or capability to deliver everything it has promised – not even to meet its existing commitments. There are a number of areas where we feel the OfS is proposing to unnecessarily and unhelpfully extend its reach, and where we feel activities should be delayed or deprioritised in order to enable focus on core functions.

We are also concerned that there is insufficient resource in the sector for these proposals and urge the OfS to put in place an assessment of impact and burden before any new streams of activity are commenced. This should consider available resource to providers in both the Approved and Approved (fee cap) categories, and crucially the cost per student for any new activity. Efficiency was an important recommendation of the Public Bodies Review of the OfS, and the per-student cost of the system was a significant aspect of the concerns raised. As such this should be a measure for the assessment of impact and burden in all new proposals in this Strategy.

We also feel that the Strategy does not demonstrate how the OfS will prioritise investment, innovation, and growth in the sector. This is critical for a Strategy which covers a five-year period in which there will be significant developments in the wider economic, policy and educational context. These include HE Reform, the Government's focus on growth and skills, and the roll-out of the LLE.

It is important that the Strategy recognises and supports a diverse sector through a regulatory model that works for all current and future providers and types of provision. We have included examples in our comments below of where this is not the case in the Strategy proposals. This is critical to enable true student choice and equality of opportunity by empowering higher education providers to continue developing diverse and flexible models of HE that attract and support learners from all backgrounds.

The Strategy must reflect the ways that future change will further expand the OfS Register and make it even more critical that the OfS regulate differently to enable the success of a necessarily changing and growing sector. This includes the impact of the LLE, which will lead to the rapid expansion of delivery models that differ from the dominant 3-year Undergraduate Degree model and will not be served by the current metrics-based regulatory model. It also includes the impact of the DfE's proposals for franchised providers with more than 300 students to register with the OfS, which will further expand the OfS Register to include providers with diverse provision and who cater for an even more diverse set of learners.

Quality

IHE supports in principle an integrated approach to quality and a move towards more of an enhancement model. It is critical that this model recognises, and celebrates, the growing diversity of the sector from the outset. The approach must be one that enables all providers to engage, and which fairly and effectively assesses the quality of provision in all types and models of HE, and through that enables true student choice.

TEF will require significant change in order to be at the centre of a new integrated quality model. In its current form it is unworkable for most small providers. Certain elements of TEF should be retained – namely the use of contextual information about providers, the assessment of qualitative evidence, and the importance of student engagement.

TEF cannot, however, retain its reliance on data, metrics, or the categorisation of gold / silver / bronze or 'requires improvement' in its current form. These are problematic for providers with small numbers or flexible provision, which cannot meet minimum thresholds or for whom the data model does not capture the outcomes for students. For example, continuation and completion metrics that are designed around 'standard' full-time three-year degree programmes, and instances where small numbers and suppressed data leads to providers being unable to evidence their quality sufficiently to receive a positive outcome. An alternative data model would need to be built in from the outset, this could include different measures or variance in thresholds to account for these different delivery models. Enhancement cannot be based on an ill-fitting data model, or it simply adds burden rather than effective change.

It is essential that any assessment of quality be made by those with understanding of the diversity of the sector – including the contexts of non-traditional providers and specialist provision. Independent and external assessors, part of the existing processes, should be maintained in the new model to bring in delivery, subject and industry expertise. The outcomes of an enhancement-based integrated quality model should recognize diverse provision and providers in the sector, offering information to prospective students and stakeholders that supports student choice. As we have recommended in responses to previous consultations, commendations that inform students where providers excel in supporting students or specific outcomes should be considered over a basic grading system.

The OfS Strategy should include a review of OfS public information about the quality of provision alongside any proposals for a new model of quality assessment. An enhancement-based model would generate very different outputs, and more contextual information, which should be transparent to students and stakeholders. Clear plans for such a review and the timeline for completion should be included in a future draft of the Strategy.

We cannot at this stage support the development of a Quality Risk Register, although we do agree with a personalised and contextualised approach to quality. Until the integrated quality approach is developed and understood, it is not possible to make an assessment on what a Quality Risk Register would look like or how this would be used by providers. We caution that the Equality of Opportunity Risk Register cannot be used as a template for this, both because its use and effectiveness in the sector has not yet been evaluated, but also because by their nature risks to quality are different. The EORR allows for greater choice of which risks to address. A Quality Risk Register would identify risks that are far more interconnected, and as such we would expect less

flexibility in how providers choose to address risks. We suggest that this concept should be revisited, and consulted on, in the latter stages of the Strategy period.

We note again our concern about the lack of resource to deliver the integrated approach in the way described, both within the OfS and within our member providers. We are concerned in particular about the potential costs of a return to cyclical review and further provider visits and would not support an increase in OfS registration fees to enable this. The delivery of an integrated quality model also has the potential to create concentrated points of burden, which are more difficult to manage for smaller providers who focus quality staff on day-to-day delivery. Any proposals for cyclical review and visits should be mindful of the resource burden for providers without large teams to manage quality.

We also note and welcome the proposed integration of apprenticeships into the quality model, but caution that further thought will need to be given to how this will interact with other regulation and oversight such as Ofsted inspections, to ensure that this no duplication or an increase in burden as a result. This integration will also necessitate a greater understanding of the role of the employer as a stakeholder in the quality process and we again urge the OfS to consider how they will engage employers in this Strategy.

Wider student interest

IHE supports the OfS's decision to place the student interest as a priority in their new strategy and welcome the recognition of the value to students of their wider experience beyond the formal curriculum. However, we do have concerns that the OfS may risk acting outside its remit as a regulator, and that these proposals could duplicate the activity of others in areas in which the OfS has neither the resource nor expertise to act. To that end we welcome the OfS's approach to working with the Office of the Independent Adjudicator (OIA) to facilitate greater learning from the student complaints process.

IHE's Student Advisory Board have reflected specifically on this aspect of the OfS Strategy and advocate for a fuller understanding of the plurality of student interests, which differ according to when, where, what and how learners study – as well as the diverse experiences they bring with them into HE. In some cases, these interests coalesce within specific types of provision such as professional or industry-based courses, flexible delivery models like evening and weekend teaching or specialist teaching environments. This contributes to student choice, not just in what they study, but in how they study it. IHE's Student Advisory Board were not in favour of any attempt to form a single representation of what students expect from higher education.

IHE members agreed that the 'student interest' is broad, and that the existing diversity of providers and provision in the English higher education system reflect wide variation of student expectations for study. We welcome an approach from the OfS which would recognise the diversity of student experience including models from the independent higher education sector which offer innovative and unique experiences for students. These can and should however be part of an integrated assessment of quality of provision, not separate from it. An enhancement-focused quality model, based as much on contextual information as data, would support greater understanding of the intersection of curriculum and wider student experience, that then supports student outcomes.

From the evolution of an integrated quality model can come opportunities for the OfS to encourage the sector to innovate and diversify the opportunities offered to students. The OfS would be well positioned to support sector approaches where it is clear that individual providers may not be best placed to deliver the opportunities students need. This would represent a positive shift in OfS approach, away from individual regulatory requirements, to supporting collaborative initiatives to deliver a student experience that supports diverse student outcomes.

IHE is concerned that attempts to identify 'positive' student experiences and regulate the wider experience of students will further entrench a regulatory model that is already proving itself ill-prepared to adapt to the diversity of the higher education sector today. With a five-year strategy encompassing a period of major changes to the higher education funding model, it is critical that the OfS plans work to incorporate diverse models of delivery more efficiently into its current regulatory framework as a priority, rather than seek new areas in which to regulate. The student interest of a student undertaking a 30-credit module or a one-year HTQ will be very different from an on-campus three-year Degree student. The OfS must ensure that the regulatory model does not stifle these innovations in higher education or disadvantage those providers whose unique delivery models or small size play a critical role in attracting and supporting diverse learners who would not otherwise access higher level study.

IHE members agree that the OfS is right in its proposals to link quality of opportunity and the student experience. Many IHE members consider equality of opportunity to be at the heart of their mission. Their provision seeks to widen access to higher education, create more inclusive environments, and support students from all backgrounds to succeed, going on to make a positive difference in work and the community. But if the OfS wants to expand the role that equality of opportunity plays within their regulatory framework, they must first create a model for equality of opportunity that is more inclusive of a diverse HE sector.

The emphasis on Access and Participation Plans (APPs) in the Strategy as the vehicle for equality of opportunity is unhelpful, not least because it does not apply across all providers on the OfS Register. The current model for these APPs is a barrier for many smaller providers with diverse delivery models and it does not recognise the value of the inclusive approaches to supporting underrepresented students that are more prevalent in smaller higher education providers. Moving from an APP model to a more inclusive approach to equality of opportunity embedded in student success would enable more providers to enter the Approved (fee cap) category of OfS registration, which would enable more students to access full tuition fee support – and be more likely to have a more positive overall experience of higher education.

We also feel strongly that risks to equality of opportunity cannot be fully addressed, and students from all backgrounds will not benefit from “rich and rewarding wider environments” until there is a solution to currently insufficient student funding. Funding models must address the shortfall in student maintenance loans, the limitations of the fee cap to adapt to different types of provision and the insufficient grant funding available to fee-capped providers. If the “overall experience of higher education is becoming more challenging” then funding needs to be more focused on supporting those students where the “challenges are concentrated” (pg. 20). Barriers to implementing support for these students are not simply a lack of will or motivation but an entrenched inequality in the existing higher education funding model. Regulation alone will not reduce risks to equality of opportunity.

We do not support further powers for the OfS in consumer protection as there is not the existing resource or expertise within OfS to do so. We agree that students' rights should be protected, but further powers for the OfS could also create more conflict with the existing legal structures to protect all consumers. We instead encourage a collaborative approach with other bodies with existing expertise (the OIA, the CMA, National Trading Standards) whilst ensuring students are informed of their rights and have access to the information and mechanisms already available to them.

We do not feel the implementation of a model student contract would be appropriate for such a diverse higher education sector nor that regulation specifically on contracts would deliver the intended positive student experiences. It would also need constant revision to incorporate modular delivery, the role of awarding bodies from the RQF more prevalent now with the expansion of HTQs, the anticipated expansion of employer contributions to funding study, and new models of delivery already being explored with advances in technology. IHE members have said they would welcome a more collaborative approach from the OfS, sharing information on concerning practices and insight where there is ambiguity in existing CMA guidance.

The OfS's focus should be on student protection in the instance of provider failure, course closures or similar circumstances which prevent students from completing their course. This is where student funding rules place students at a disadvantage within existing consumer legislation, which limits their ability to choose to start new study elsewhere.

We also encourage the OfS to explore the balance of students as consumers with the B conditions as they relate to academic standards, recognising students' responsibilities as well as their rights. These can be particularly important where courses are embedded in industry or where professional standards need to be met.

The OfS should also seek to clarify how consumer rights and student protections are extended to apprenticeship students and those funded by their employers, where the contract to pay fees and funding is not with the student, but the opportunity cost of choosing employer funded models remains high if the student does not receive the experience they were promised.

Sector resilience

IHE recognises the financial challenges facing the sector, and that addressing these is critical to protecting student interests. However, it must be recognised that the crisis in the sector has been driven by external macroeconomic and policy factors: regulatory action and increased financial monitoring, of the sort proposed in the strategy, will not be the solution. What the OfS can and must do is create a regulatory model that supports innovation, investment, and growth.

We welcome the OfS's proposals to monitor the impact of the financial pressures the sector is facing on student choice. This must go beyond the risks to the supply of 'critical skills' and include the risks to specific types of provision that support students from different backgrounds to achieve their best success.

The OfS must reinstate critical processes (provider registration and DAPs) as the closure of these has created severe financial risk for providers through unplanned disruption, and the inability to progress plans to expand provision, to move into new markets or to seek investment. This risk can block new provision, expanding due to student demand, from being accessible to all students. The current pause has created significant cost for providers, including the resource lost on

applications that will be out of date before they can be submitted. The OfS cannot credibly be seen as supporting the sector's financial sustainability until its core functions are operating effectively and it rebuilds the broken trust that it will be able to continue to do so through the future challenges for the sector that will inevitably arise.

The OfS should not be increasing regulatory burden through additional data collection and monitoring without evidence of the impact of this on provider financial sustainability, or further work to understand the providers they are regulating and what information is useful to collect. We support proposals under heading six in the Strategy document, to re-calibrate initial and ongoing regulatory tests to recognise different levels of risk in different business models but we encourage the OfS to go further. The OfS should review the existing data collection and monitoring processes for their effectiveness in predicting the financial sustainability of different higher education providers.

The OfS strategy should prioritise a differentiated model for monitoring and engagement with the sector, based on a fair and accurate assessment of risk in both financial resilience and governance. We challenge the recent OfS assertion that small and specialist providers carry greater risk, which does not take account of their flexibility to change their provision, adapt their delivery or create efficiency in their operating model to improve their financial position.

Current data collection such as the Annual Financial Return is resource intensive, and in many cases not helpful as a predictor of financial position for many IHE member providers. We urge the OfS to work with providers across the sector to understand the information they use to monitor and report on their financial position internally and draw upon this to develop an approach which does not prioritise a comparison between all providers over an accurate reflection of risk within an individual provider.

IHE has been working closely with the independent higher education sector to develop the IHE Code of Governance and continue to provide new guidance to our members to support providers to assess and improve their management and governance practice. Independent providers have created new governance structures, first to meet the seismic shift in the higher education policy environment brought by the creation of the Office for Students, and have had to continuously resource and adapt these structures over seven years of continuous change in the regulatory requirements from both OfS and government. That over half of the OfS Register is comprised of providers not funded by OfS's predecessor body HEFCE, is a testament to the ability of their governing bodies to manage new regulatory compliance, but members have been clear with us that this is almost all they now do. This translates to a greatly reduced bandwidth to consider more strategic matters such as the development of new markets – including export markets – that on a sector-wide basis could make a material difference to the UK's economic growth. This OfS Strategy must create a period of stability to allow governing bodies to test their efficiency beyond simply staying on-top of changing regulations. They need the time to focus on responding to student demand and supporting the government's growth mission and emerging industrial, trade and exports strategies. Enabling and not blocking these growth plans should be a high priority for the OfS in meeting its existing statutory growth duty, to which it currently pays only minimal lip service. This needs to change.

IHE would welcome more initiatives in this strategy to ensure there is sufficient flexibility in the regulatory model to allow providers to be agile and respond to changing market conditions to

improve their financial position. The OfS must ensure its regulatory structures can facilitate improved financial sustainability, and not simply react to financial risk. We encourage the OfS to engage more consistently with employers, investors and other funders of higher education provision, to ensure that the OfS approach to financial sustainability does not place unnecessary barriers to much needed funding for growth and innovation. We note for example the 'I' statement for employers has limited their role to employing graduates, where many IHE members have entire courses funded by employers, or they deliver exclusively apprenticeships or employer-funded professional training. The OfS should view strategic engagement with employers, investors and similar funders as critical stakeholders in the financial resilience of the higher education sector, not simply as passive beneficiaries of high-quality provision.

The OfS should also focus on more collaborative initiatives in key regulatory areas such as access and participation, student support, and student protection. Any new areas of regulation should be evaluated to explore if a collaborative approach would be more cost efficient and effective, before implementing another condition on each provider individually.

Finally, we agree that there needs to be effective mechanisms for student protection and that Student Protection Plans (SPPs) should be revised. We support exploration of different models and emphasise that transparency in arrangements is key so that students can make informed choices.

Question 2: Do you have any comments about any unintended consequences of the proposed strategy or the priorities set out within it, for example for particular types of providers, particular groups of students, or for individuals on the basis of their protected characteristics?

The OfS Strategy should recognise and support the diversity of providers and provision in the sector. This is critical to create true student choice and real equality of opportunity. Smaller providers and those with flexible delivery models attract and support students from underrepresented groups. If approaches (such as to quality or equality of opportunity regulation) continue to be designed around the traditional sector, excluding or placing this provision at a disadvantage, this will restrict choice and create a further barrier to students from these groups accessing and succeeding in higher education. For example, proposals to regulate wider student interests may inadvertently force providers who focus on mature students, or students on employer-funded programmes, to provide services their students do not want or use. This burden would provide no benefit to and instead remove funding from these students, already under-represented within higher education.

The OfS does not differentiate between the Approved and Approved (fee cap) registered providers in this strategy, and we are concerned that this will substantially increase the burden for many providers in the Approved category with no commensurate benefits. This in turn will have an impact on their students, as resource which could otherwise be directed to them will be needed to meet regulatory requirements, and no public funding will be provided to cover these costs.

As we note in response to Question 1, the diversity of higher education providers eligible for the OfS Register will only increase with the roll out of the LLE. This has the potential to be significant in advancing equality of opportunity and access to HE, through the expansion of flexible learning

models that attract and support students from underrepresented groups. However, this is dependent on the OfS creating a regulatory approach which is ready to adapt to this change and works for provision which sits outside of traditional models for the delivery of HE. Without a clear strategy to do so and with much of the priorities in this draft Strategy reinforcing dominant models within existing higher education provision, there is greater risk that this work will not be prioritised.

The Strategy should also consider the impact of the DfE's plans for franchised provision. Again, this has the potential to make the benefits and protections of OfS regulation, available to a wider pool of students, but only if the regulatory model can adapt to the unique models for academic and partnership governance found in these providers. The OfS must ensure that its regulatory model is adaptable to a more diverse Register and that it supports and empowers those providers new to regulation – and through doing so protects their students.

There is also a lack of clarity in the Strategy on how certain proposals (in particular for integrated quality and financial sustainability) will consider either the inclusion of franchised providers in the register or academic partnerships more broadly. This creates risk for these types of partnership which transfers to students should regulatory conditions force providers to end their partnerships prematurely. Partnership models have a disproportionately higher number of students with protected characteristics, who without adequate forethought could be unable to complete their intended student journey if regulation is not able to reduce risk for partnership provision.

We emphasise again here that the OfS must have a clear strategy to reinstate and maintain core processes so that as many providers as possible can come into regulation. Without this, vulnerable students will continue to study without the protection of regulation or be forced out of their chosen course without access to vital funding options. The creation of the Office for Students and the availability of registration to a wider range of higher education providers has been identified by IHE members as the single most significant factor in increasing the diversity of their student bodies. The closure of the Register, even for the 9 months currently planned, is having a detrimental impact on student choice for those unable to access alternative funding outside of the student loan system.

Question 3: Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.

Most of the proposals are broad, and whilst we can agree in principle with some of the strategic priorities identified, IHE cannot support the details of the Strategy without further information on how these will be delivered – and crucially how they will be prioritised, resourced, and achieved given the current deficiency of resource within the OfS to carry out its core duties. We have identified a few key areas where clarity is needed below.

We found much of the proposals on the integrated quality model to lack key information including how it would be applied to Approved and Approved (fee cap) providers (currently with differentiated data and equality of opportunity regulatory requirements), how TEF would be applied to providers with less than 500 students, and the costs of additional OfS meetings with providers on a cyclical basis. Critically we could not provide feedback on the introduction of a Quality Risk Register without understanding the quality structure into which it would then fit.

OfS's proposals for its further role in the protection of consumer rights did not provide enough clarity on how they would interact with other bodies already working within this area including CMA, Trading Standards, the legal system, and other bodies students can bring concerns to, including the OIA.

The OfS regularly refers to employers throughout the strategy but there is no clear strategic work stream set out to engage with or benefit from the feedback from employers in any of the specific proposals.

We would welcome more detail on any differentiated models for monitoring providers' financial resilience and governance based on business model or other criteria.

Question 4: Our previous strategies have covered periods of three years. For this strategy, we are proposing an extended strategy period of five years. Do you have comments on this proposal?

IHE supports a five-year term for the Strategy and the stability and continuity that this will enable, but it must be the right Strategy and the OfS should consider extending the current period of engagement before adoption of a final version. The OfS must first rebuild trust in the sector, address the significant issues that we and others have identified in the proposals, resume core regulatory activities and wait for more clarity on the government's plans for HE reform to ensure that its own plans reflect these emerging priorities. That being said, a longer term will be welcomed by providers, for whom continuous change increases the burden they already face in struggling with disproportionate regulatory requirements in a context of financial pressure. We encourage the OfS to continue to publish annual business plans as part of this strategy and would welcome more detail on changes to priorities and measures of success in these in the 2025-2030 strategy.

The OfS needs to clearly set out its order of prioritisation and the timeline for the delivery of the proposals within this five-year term. This should consider first and foremost how it will resume its core functions, and how wider strategic activity will be resourced. The timeline should consider future change, notably the rollout of LLE, the development of Skills England, and the impact of proposed HE reform measures from the Department for Education, and be clear how OfS will review the effectiveness of the strategy to adapt as these changes occur.

We also call on the OfS to publish transparent measures of progress against both their strategic aims and their business as usual, to ensure that core activity is not deprioritised against new initiatives. These should include a KPI for provider registration and DAPs applications against the published timelines, response times to provider queries, and timeframes for managing reportable events and quality investigations. This will be essential for the OfS to increase transparency and rebuild provider confidence that they will deliver on their measures for providers, students and stakeholders. This is especially important in this strategy given that commitments from the previous strategy (for example reducing burden on small providers and developing a regulatory sandbox) have not been carried through.

We would also welcome further clarity on how measures to promote Academic Freedom and the Freedom of Speech will be better integrated into the regulatory process, reducing burden, and ensuring clarity of decision making within yet another OfS decision maker. Given the overarching

theme of equality of opportunity and the emphasis on governance across the strategy, OfS must have modelling to adapt to new government demands without creating further fragmentation of OfS decisions on HE providers' compliance with the regulatory framework.

Question 5a: Do you think that our proposed 'I statements' appropriately and clearly describe the impact that delivery of our strategic objectives should have on our key stakeholders?

We remain unclear of the purpose of the I Statements and how they are intended to be used by students, providers, and employers. We do not feel that they clearly describe the impact of successful delivery of the strategy's objectives. Our main concern is the unclear link between the statements and the goals, objectives and activities outlined in the strategy. As we have highlighted in response to Question 4, there should be clear published metrics that are used to measure and describe the impact of the delivery of the strategy proposals, including the I Statements.

The I Statements related to employers feel out of place given that there is no mention of them in the Strategy itself. We agree that they should have a clear role, but if there are to be I Statements for employers it needs to be clear in the strategy to outline how the OfS will be engaging them and evaluate if the statement has been achieved.

IHE's Student Advisory Board were unclear on the purpose of the I Statements and felt that to be useful they should clearly show how the OfS is delivering for students and have a much clearer link to outcomes from the Strategy. They were also unclear on which of the I Statements the OfS would deliver on, and which were expectations for providers. They felt that the I Statements should show clearly what the OfS seeks to achieve for students through its strategy.

Question 5b: Do you think that the strategic objectives distilled in our proposed 'I statements' are the right ones? Do you propose any additional 'I Statements'?

As we have outlined above, we remain unclear how the strategic objectives link to the I Statements, and some I Statements do not feel rooted in any specific strategic objective. For example, it is unclear how the statement for taxpayers "I am proud of England's higher education sector" will be achieved through any of the objectives or measured effectively against any of the activities. We recommend this particular I Statement is removed as it is too difficult to effectively measure and impossible for providers to address individually.

The first priority for OfS should be an I Statement that describes how the OfS will rebuild confidence and empower and enable providers to both carry out core functions and innovate, expand and grow. We are disappointed that there is no I Statement on this. Success against this I Statement is more likely to be linked to core activity such as DAPs applications or financial resilience assessments linked to student recruitment, however proposals related to greater sector engagement could also be evaluated with metrics and linked to such a statement.

We would like to see an I Statement that on the reinstatement and delivery of core processes and ensuring responsive and timely communication and engagement with providers. These should be linked to clear metrics for provider registration and DAPs applications against the published

timelines, response times to provider queries, and timeframes for managing reportable events and quality investigations.

There should also be an I Statement on the development of a regulatory model facilitates diversity of providers and provision, linked to the OfS's duty to promote student choice. The effectiveness of such a statement could be measured using the recently created categories of regulated provider developed by the OfS, and applied across regulatory practice and funding opportunities, or through a new metric evaluating changes in provider burden across the categories over the length of the strategy.

The I Statements should also reflect the diverse journeys learners take into, and through, HE. There is no recognition of apprenticeships, students who go on to be entrepreneurs (instead of employees) or learners who are already in work. There is also no recognition of the impact of future change – such as the LLE – which will limit the future applicability of these statements.

Finally, we strongly suggest further I Statements for employers which reflect the more significant role they play in funding higher education. These should be developed more closely with employers and be balanced with the I Statement recommended above specific to apprentices and other employer funded students.

Contact IHE

- For more information, or to speak to someone about this consultation response, please email info@ihe.ac.uk
- Visit our website at www.ihe.ac.uk
- Connect with us on LinkedIn at [@Independent Higher Education](https://www.linkedin.com/company/independent-higher-education)