

QAA Response to OfS Consultation on a New Approach to Regulating Equality of Opportunity in English Higher Education

Introduction

On 6 October, the Office for Students (OfS) published a consultation on a new approach to regulating equality of opportunity in English higher education. This document is QAA's response to that consultation. We have not answered every question, instead focusing on questions where we feel we can add value to the sector based on our experience and expertise as the Access to Higher Education Diploma regulator.

QAA's overall view is that the current proposals do not give sufficient assurance that adult learners will not be neglected under the new approach. This is underpinned by a concern that there is not enough information given about how the Equal Opportunity Report and Response (EORR) will be constructed or who the decision maker will be, such that we cannot have confidence in its application not having unintended consequences for certain student demographics, particularly mature learners who may also suffer from other forms of disadvantage in accessing higher education.

Proposal 1: 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.

Questions

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

Tend to disagree.

QAA's response is in its capacity as regulator of the Access to HE Diploma - the Level 3 qualification designed to support learners to gain the necessary qualifications to apply for and enter higher education. The diploma is a vital route into higher education for many disadvantaged students.

The greatest risk we see with the proposed approach is referenced in the last sentence of paragraph 54: 'As such, we would not expect that as a result of focusing its plan on the greatest risks to equality of opportunity that a provider should neglect the needs of students not captured by its plan.' Naturally, the need to focus plans on the greatest risks to equality of opportunity, directed by the sector-wide EORR, will result in less attention on the needs of students not captured appropriately by the EORR. We believe that, if the

focus of assessment of a plan is on whether the EORR risks have been reflected, lesser emphasis will be placed on demographic groups, which could include mature students, as it is clear the OfS intends to place less weight on areas not captured by the EORR. This creates a potential jeopardy with how the EORR is constructed. We do not believe it is apparent from the consultation proposals who the final decision maker will be for the contents of the EORR, such that we can have confidence of how its contents will be determined. Further, we note that the example EORR risk given at annex E of the consultation contains such a broad risk and objective that it is currently not possible to assess how this will be useful to providers or students in regulating provider behaviour.

As the regulator of Access to HE, the particular group with which we are concerned will end up neglected are mature students. Paragraph 46 outlines the current target groups for the OfS access and participation approach, which includes mature students. While we welcome the intention to allow providers to be more responsive to emerging or increasing risks and consider cross-sectional characteristics, we hope that an explicit focus on mature students is not lost in the process. The current framing of the suite of proposals in this consultation, especially given the sector-level priority of raising pre-16 attainment in schools, seemingly overlooks adult learners.

Many students enter higher education as mature students because of factors or characteristics that have meant they were unable to earlier in their life. This might be because they had caring responsibilities, were care leavers or the opportunity was simply not there for them when they left school; however, there are numerous other factors, and the reasons can be very personal and individual. Therefore, a focus on mature students as a broad characteristic would be welcomed because it has links to so many other characteristics, and we believe it should not be forgotten in the implementation of these new proposals.

There is also a risk that proposals inadvertently encourage providers to consider the student body as it is currently comprised, as opposed to thinking what its student body could be if it addressed equality of opportunity outside of its current cohort. This is because a provider is encouraged to consider its own risks and its own assessment of performance data, which can only be reflective on current and previous cohorts of students. It is not apparent from the proposals how much of a balance will be on current and future risks to equality of opportunity. Instead of encouraging institutional autonomy and distinctive approaches, the proposals risk becoming a tick-box exercise, with the OfS risk register driving access and participation interventions to meet regulatory requirements rather than local and institutional needs. While the consultation sets out in paragraph 39 that a provider will need to consider provider-specific risks, it is unclear what weight will be given to that when the regulatory imperative would appear to be on addressing some of the risks set out in the EORR.

Proposal 7: 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 APPs [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.

Questions

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

Tend to agree.

We welcome any effort to ensure that all children and young people have equal access to higher education.

However, care must be taken to ensure that prospective student cohorts outside of the school system are given equal consideration in the reform. This is because school leavers are not the only population that need to be taken into account when considering low participation areas or students from lower socioeconomic backgrounds. In particular, mature students - who are more likely to face barriers to access and participation on average - must not be disadvantaged by any outreach with schools. Our concerns in this area are linked to our concerns overall - that it is not apparent how the EORR will be developed, and, if there is a focus predominantly on 18-21 year old undergraduate entry, this will be a significant disservice to potential higher education entrants that do not fall into that group.

It must also be recognised that not all providers will have the necessary expertise to undertake the initiatives outlined in paragraph 126 of the consultation. We therefore believe that, should the proposal be implemented, appropriate allowance is made for the operating context of the provider. For example, some providers already focus their efforts on demographic groups that are not school leaver populations, and therefore there is a risk that, if asked to divert their attention in this way, there could be unintended negative consequences for existing access and participation activities, with a net result of a worsening of the situation.