

Access and Participation Regulation, EORR and the new Data Dashboard

Last week the long-anticipated updates to regulation of access and participation, the much-debated Equality of Opportunity Risk Register (EORR) and the updates to the data (OfS access and participation dashboard) were published by OfS.

While those of us responsible for the access and participation agenda may already be eyeball-deep in these publications, or will eventually need to be, we thought it useful at this stage to provide a summary and commentary to our SEER members.

Regulatory advice

- OfS has published updates to [Regulatory Notice 1: Access and Participation Plan Guidance](#).
- We will have to wait a while longer for updates to Regulatory Advice 6: How to prepare your Access and Participation Plan, which have not yet been published.
 - OfS note this will be following engagement with Wave 1 providers (starting in April)
- The updates to Notice 1 are broadly inline with our expectations, and the regulation feels familiar. As pre-empted in the consultation, and indeed reflecting approaches since 2019, providers will have to:
 - Do a performance assessment – a ‘risk assessment’, which considers risks highlighted in the EORR (see later) and determines which students are at disproportionate risk of not accessing higher education and achieving good outcomes. This assessment should consider a range of factors, relevant to providers’ contexts, for example demographic groups, location, or prior educational experience.

We will need to strike a balance between:

- Responding to the EORR, which provides direction on the required shape of analysis; and
 - Provider choice, which considers context, capacities and performance.
- OfS also require ‘most providers’ to consider how we can:
 - Address the risk posed to fair access and successful participation by knowledge, skill and attainment gaps emerging across childhood by making contributions to supporting schools to raise pre-16 attainment.
 - Expand and promote diverse and flexible pathways and provision.
 - Improve the mental health of our students.
 - Providers must develop a set of intervention strategies, using theory of change and evidence, which detail what we will do to mitigate risks. Each intervention strategy will include:

- ‘Ambitious’ objective(s)
 - Numerical targets (where appropriate)
 - An evaluation plan, including method and when we expect to publish findings
 - Detail of programmes/ activities
- A full summary of the structure and additional information is as follows, lifting key points from the guidance. We have highlighted explicit references to considerations for smaller and specialist providers in blue.

Sub heading	Summary	Notes from the guidance
Introduction and strategic aim	Context, mission, and overarching strategic aim, as they relate to the delivery of equality of opportunity for students.	Should be brief and limited to 1 side of A4. This section will be significant in consideration of whether a provider has identified appropriate risks to equality of opportunity.
Risks to equality of opportunity	Key risks to be addressed, relating to a provider’s own risks as well as relevant risks in the EORR.	The Performance Assessment is the basis for this section. Providers should focus on the most significant risks in relation to its assessment of performance, mission and context, and those that are appropriate to be addressed in the Plan. Also detail other indications of risks identified along with a brief, credible explanation about why they are not being prioritised in the Plan.
Objectives	Objectives to address the risk manifestations. Objectives should be timebound and measurable.	For each risk identified as a target for action, an associated written measurable objective should be included. Occasionally more than one objective may be associated with an indication of risk. One objective may address multiple risks to equality of opportunity.
Intervention strategies and expected outcomes	An outline of the evidence-informed intervention strategies to be delivered to meet each objective. Each intervention strategy may address multiple risks to equality of opportunity. The intervention strategy should relate to specific objective(s).	Each objective should have an intervention strategy. Intervention strategies should include: <ul style="list-style-type: none"> ● The activities that will be put in place ● The evidence used to underpin the design ● The theory of change, including relevant outputs and outcomes. Details of the outcomes expected to be achieved across the duration of the plan and interim outcomes should be included to allow a provider to monitor and adapt strategies at an early stage. Longer-term outcomes may be included where a strategy will not fully mitigate risk within the duration of the plan. ● The approximate investment required to deliver, excluding cost of research and evaluation. ● A description of how each outcome will be monitored and evaluated, including methodologies in analysing data, and details of when evaluation outcomes will be shared and the format they will take.

Sub heading	Summary	Notes from the guidance
		<p>Smaller providers: OfS explicitly notes that providers with smaller cohorts are normally expected to address a smaller number of risks, but to the same high standard. Smaller providers are expected to have a smaller number of high quality interventions addressing the key risks, which have clear and credible evaluation plans.</p> <p>OfS expects interventions will include activities drawn from its recommended list (below), and other activities:</p> <ul style="list-style-type: none"> • Partnerships with schools, colleges, community and third sector organisations to support raising attainment. • Expanding and promoting pathways for study at Levels 4 and 5, and on higher and degree apprenticeships. • Financial support. • Development of the curriculum; pedagogy; learning resources; student support; employability; opportunities such as work experience, placements and internships. • Collaboration with other bodies across the student lifecycle, including with other higher education providers, students, schools and colleges, employers and third sector bodies. • Alignment with other work and funding sources, such as OfS-funded programmes. <p>Each intervention strategy should be underpinned by an appropriate evaluation plan. This should include:</p> <ul style="list-style-type: none"> • A description of a robust, objective and credible evaluation plan which delivers high-quality evidence of what works and what does not work in the delivery of activities in particular contexts. This should include the methodologies which will be used to evaluate outcomes in each intervention strategy. • A description of the mechanisms in place to enable the evaluation to influence practice and delivery of the interventions. <p>OfS recognises that different types and standards of evaluation may be appropriate for each intervention and that each provider will be at a different stage of developing its evaluation expertise. Providers should evaluate ‘properly’ using the OfS standards of evaluation as a guide.</p> <p>Other notes in this section: Collaboration OfS asks providers to consider agreeing an intervention strategy and outcomes in collaboration with other providers and third sector organisations, particularly in respect of the risk resulting from differential attainment by socioeconomic groups in schools. Appropriate long-term and interim outcome measures should be considered.</p>

Sub heading	Summary	Notes from the guidance
Targets	Where appropriate, objectives should be translated into numerical targets with measurable outcomes-based milestones as part of the <i>fees, investments and targets</i> document	<p>Where possible, these should be measurable using the OfS A&P data dashboard.</p> <p>Targets may be direct translations of the objective, or proxy numerical targets for the written objective.</p> <p>Providers should include numerical targets based on intermediate outcomes of an intervention strategy and outcomes related (but not limited) to:</p> <ul style="list-style-type: none"> • Sustained engagement with pre-16 young people or working with the community or employers to support mature student access to higher education. • Strategic partnerships with schools, colleges, community and third sector organisations to support raising attainment. • Collaborative targets, or a regional or geographical target which may relate to mitigating risks which are capable of being mitigated at a scale other than that of an individual provider. <p>Targets should be:</p> <ul style="list-style-type: none"> • Stretching • Outcomes based • Measurable on a consistent basis, with baseline data where possible • Set over 4 years and to include annual milestones.
Whole provider approach	Description of how staff across the provider are led and engaged to ensure that its students are supported to access, succeed in and progress from their time at the provider.	<p>A "whole provider approach is one in which there is alignment and consistency across the organisation to create an approach from which all students benefit".</p> <p>OfS suggest essential features are:</p> <ul style="list-style-type: none"> • Students are supported to access, succeed and progress. • Staff from departments, services and units are engaged. • Clear and explicit senior leadership and commitment. • A pragmatic approach to change, developing a culture and structure that promotes and supports approaches that benefit students from all backgrounds. <p>Providers should include an explanation of how strategies align with other strategies to achieve equality objectives, and how the provider has regard to Equality Act 2010.</p>
Student consultation	Demonstrate how students have been able to express views about the plan before it was submitted, and steps taken as a result.	<p>This section should include:</p> <ul style="list-style-type: none"> • Evidence of how students from a range of backgrounds have been, or will be, involved in the design, implementation and evaluation of the plan. • A description of the mechanisms in place for students to engage in a meaningful way.

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Evaluation of the plan	An outline of how a provider will strengthen and undertake evaluation of the activities, including plans for publication of that evaluation.	<p>This is in addition to details about evaluation in each Intervention Strategy and should set out the strategy for evaluation will be strengthened overall.</p> <p>Evaluation should be conducted on an ongoing basis and enable consideration of whether activities are achieving the intended outcomes and overall objectives. If the intervention strategy is not optimally achieving its intended impact, it is appropriate to make changes. In these circumstances providers should consider submitting a request to vary the Plan.</p> <p>OfS expects providers to engage routinely with the latest research and evaluation available to contribute to refinement, and review of its own activity.</p> <p>If a provider is not able to deliver significant aspects of its Plan, including expected evaluation plans, OfS would expect to be informed, as a reportable event.</p>
Investment	Investment information alongside each intervention. Information about a provider's investment in financial support and research and evaluation goes in the <i>fees, investments and targets</i> document.	<p>Summary of the information about access, financial support and research and evaluation investment provided in the fees, investments and targets (FIT) document.</p> <ul style="list-style-type: none"> • Access investments are disaggregated by post-16, pre-16, and other access activities. There is an option for access investment that is not targeted at a particular age group, however, OfS does not expect significant levels of investment in this category. • Financial support should be tightly targeted for students who are at risk and provided to address specific barriers. • An estimate of investment in research and evaluation should be included. E.g. staffing costs, the cost of gathering and analysing data, subscriptions to tracking services, and research projects. <p>Each intervention strategy will detail its estimated investment level. Estimates ought only to relate to the work undertaken to support the delivery of the access and participation plan objectives.</p> <p>OfS have no expectations for the scale of investment. Providers are expected to invest sufficiently to make meaningful and effective contribution to equality of opportunity. OfS will assess this in terms of whether the intended investment is sufficient to deliver the intervention strategies.</p>
Provision of information to students	How prospective students will be provided with information	Providers should detail arrangements to ensure that prospective students have information about the fees they will be charged for the duration of their course.

Sub heading	Summary	Notes from the guidance
	<p>about the fees they will be charged for the duration of their course; the level of financial support to which they are entitled in each year of study. Including eligibility criteria.</p>	<p>Information should include a:</p> <ul style="list-style-type: none"> • Commitment to make available to students information about the level of financial support to which they are entitled as a result of the plan, across each year of study, and the eligibility criteria. • Description of how providers ensure that the application process for financial support is clearly explained. If a provider automatically assesses students' eligibility using SLC information, this should be clearly stated. A provider must make clear whether allocation relies on students agreeing to a third party (e.g. SLC), sharing their financial information with the provider.
Annex A	<p>Assessment of performance. Only those elements that directly relate to the identified risks need be included. the OfS does not require the inclusion in the plan of all the analysis undertaken. However, OfS may request additional information where that is considered appropriate.</p>	<p>OfS expects assessment of performance to be based primarily on data in the OfS A&P participation data dashboard.</p> <p>Disaggregated analysis of performance in relation to disabled students and ethnic groups; as well as intersections <i>if a provider has enough data.</i></p> <p>All (manifestations of) risks across the lifecycle stages and any particular student groups highlighted by the EORR should be considered.</p> <p>Where student numbers are small or suppressed on the OfS A&P data dashboard, the same level of detailed analysis for disaggregated or intersectional data is not expected. Providers should however consider:</p> <ul style="list-style-type: none"> • Identification of student groups to target in the future. The EORR can be used to identify potential risks. • Entrant data using the access lifecycle information in the OfS A&P data dashboard, paying attention to data aggregated over years when data is not available or reportable for individual years. • Comparisons of any existing data with national data, including in order to set ambitious targets. <p>OfS note that statistical uncertainty is a common challenge for smaller providers and that these providers may wish to consider collaborative working to increase the number of students in an intervention strategy, or innovative methods of determining efficacy of interventions.</p> <p>In cases of small / limited data, OfS recognise target and milestone setting are ambitious estimates and strongly encourage early discussion with OfS.</p>

- An accessible, separate access and participation plan summary is required. The OfS will provide a list of the information that we expect a provider to include in its plan summary. A range of formats and media will be accepted. A provider may have more than one summary if appropriate to ensure accessibility.
 - Does not need to be submitted at time of assessment, only once approved.

Assessment of Plans

OfS's assessment uses 3 principles:

1. A student focus.
2. Continuous improvement: In outcomes and the underpinning practice. Through:
 - a. Addressing the greatest risks to equality of opportunity in student access, success and progression for student groups at the provider and sector level.
 - b. Improving practice, including through robust evaluation and sustained engagement with schools and employers.
3. Proportionality and targeting: Expectations are related to provider context and capacity, which in turn is related to the scale of its activities.

OfS judgement for approval is dependent on:

- The nature of the Plan and whether improvement for the risks identified is likely.
- A provider's size and turnover, mission, level of higher fee income from qualifying students, and the Plan considered as a whole.
- A provider's track record of taking all reasonable steps to comply with its Plan, and whether the provider has previously made expected progress against targets.
- Whether levels of forecasted investment demonstrate sufficient investment in additional resource to deliver the Plan.

Other items to note:

- New APPs will run for 4 years.
- Providers are expected to use the template available on the OfS website.
- Plans should not exceed 30 pages of A4, excluding performance assessment annex.
- May include a separate student submission, to be submitted with provider's Plan.
- While not a section in the new Plans, OfS require "adequate and effective management and governance arrangements", and for monitoring and overseeing delivery of the Plan. Providers should "take all reasonable steps to comply with its Plan".
 - **OfS takes the view that a provider must, to some extent, sacrifice commercial, monetary or other interests, if this is required, in order to achieve this compliance standard.**
- **Providers will report against the financial support and research and evaluation investment detailed in the fees, investments and targets (FIT) document in its Annual Financial Return submitted to the OfS.**
- **OfS expect that a provider will ensure that continuing students continue to receive the financial support that was advertised to them when they applied for their course. The OfS also expects that a provider will refrain from reducing the package for any continuing student for whom it made provision within a previous access agreement or access and participation plan.**

The Equality of Opportunity Risk Register (EORR)

- The EORR is a list of sector-wide risks that may affect a student's opportunity to access and succeed in higher education.
- The EORR contains 12 risks across access, success and progression. These are:

Area	Risk	Detail
Access	1: Knowledge and skills	Students may not have equal opportunity to develop the knowledge and skills required to be accepted onto higher education courses that match their expectations and ambitions.
Access	2: Information and guidance	Students may not have equal opportunity to receive the information and guidance that will enable them to develop ambition and expectations, or to make informed choices about their higher education options.
Access	3: Perception of higher education	Students may not feel able to apply to higher education, or certain types of providers within higher education, despite being qualified.
Access	4: Application success rates	Students may not be accepted to a higher education course, or may not be accepted to certain types of providers within higher education, despite being qualified.
Access	5: Limited choice of course type and delivery mode	Students may not have equal opportunity to access a sufficiently wide variety of higher education course types.
On course (success)	6: Insufficient academic support	Students may not receive sufficient personalised academic support to achieve a positive outcome.
On course (success)	7: Insufficient personal support	Students may not receive sufficient personalised non-academic support or have sufficient access to extracurricular activities to achieve a positive outcome.
On course (success)	8: Mental health	Students may not experience an environment that is conducive to good mental health and wellbeing.
On course (success)	9: Ongoing impacts of coronavirus	Students may be affected by the ongoing consequences of the coronavirus pandemic.
On course (success)	10: Cost pressures	Increases in cost pressures may affect a student's ability to complete their course or obtain a good grade.
On course (success)	11: Capacity issues	Students may not have equal opportunity to access limited resources related to higher education, such as suitable accommodation.
Progression	12: Progression from higher education	Students may not have equal opportunity to progress to an outcome they consider to be a positive reflection of their higher education experience.

- Each risk comes with a brief explanation, the impacts of the risk, which students it is most likely to affect and indicators of the risk
 - You have to follow each one of these items through on the website...but...
 - **SEER is producing a summary table for members, which provides ability to look at these data from different perspectives and provides some notes our members may wish to consider. To be provided by end April.**
 - **We will consider working this up into a risk assessment framework.**

- There is an expanded list of groups of students identified as more likely to be affected across all risks. In addition to familiar groups, OfS have highlighted:
 - Male
 - Eligible for free school meals (FSMs) past 6 years
 - Special Educational Needs (SEN)
 - No parental experience of higher education
 - Care experienced
 - Children in need (LA care/ with protection plans, looked after by virtual school)
 - Studied a KS5 qualification other than A-levels or IBAC
 - Studying a vocational subject at KS 4 or 5
 - Estranged
 - Those reporting gender identity not the same as sex registered at birth
 - Those reporting a sexual orientation as 'Other'
 - Those reporting a sexual orientation of lesbian, gay or bisexual
 - Those reporting a religion or belief as 'Spiritual', 'Muslim', 'Sikh', 'Buddhist' or 'Christian'
 - Socio-economic background of 'never worked', 'long-term unemployed', 'Routine occupations' or 'Semi-routine occupations', 'Lower supervisory and technical occupations'
 - Vocational learners
 - Socioeconomic background of 'small employers and own account workers'; or 'intermediate occupations'; or 'semi-routine occupations' (young students)'
 - Socioeconomic background of 'lower supervisory and technical occupations'; 'routine occupation'; 'never worked' or 'long-term unemployed (all students)'.

- It is worth noting that the updated APP Data Dashboard (discussed below) does not hold data across all groups. We will need to determine other datasets required to enable thorough assessment. These may include HESA data, HEIDI+ data, UCAS and ONS data.

- Providers need to consider the EORR and interrogate data to determine which risks are most relevant, across the 'indicators of risk'. We will need to determine:
 - who is at risk within our student population
 - how those students may be affected
 - how we can contribute to addressing the risk either within our own student population or nationally

If data reveals that there is an indication of risk, we can look up which risk(s) this may be associated with using the [risk matrix](#).

- It is worth noting that indications of risk *may be* the result of a risk, but they may also result from something else. Good evaluation will help us to better understand these areas.

- Exploring our risk exposure will help to determine which risks we need to focus on. OfS suggest that contextual factors that may influence our assessment include:
 - In access
 - Location
 - entrance tariff

- whether the provider recruits nationally or locally.
 - and the range of course types/delivery mode available.
- On course (in success)
 - entrance tariff
 - whether the provider recruits nationally or locally
 - the extent of academic support provided.
 - the extent of non-academic support provided
 - location
 - the extent of on-course academic and personal support
- In progression
 - size
 - location
 - whether the provider recruits locally or nationally
 - the extent of on-course academic and personal support.

There will be a range of other factors that we will need to consider on a provider basis, that will feed into this assessment.

- In a nod to small and specialist providers, OfS note that indications of risk may not be easily visible in data, particularly where datasets are missing or small. OfS suggests that in these instances:
 - providers may assume that the risk exists and draw on national data. Providers may then consider whether they have appropriate support in place
 - providers should consider whether a lack of data is a contributing factor to the risk, and what data collection and/or (qualitative) evaluation they could put in place to mitigate.
- The EORR will be updated annually and improved using emerging sector evidence (including that from APP monitoring). We can also use the [‘give feedback’](#) section on the OfS website to send feedback.
- The EORR has been informed by a [rapid evidence review](#) by The Centre for Transforming Access and Student Outcomes in Higher Education (TASO).

Updates to the OfS Access and Participation Data Dashboard

- [TUNDRA](#) has replaced POLAR4 as the key access/participation measure. TUNDRA classifies local areas across England into five equal groups – or quintiles - based on the proportion of 16-year-old state-funded mainstream school pupils who participate in higher education aged 18 or 19 years. Quintile 1 is lowest rate of participation.
- ABCS quintile has been included. [ABCS measure](#) the likely outcomes for groups of students based on a set of characteristics. ABCS can be used, alongside other measures, to identify groups of students who are underrepresented in higher education or who experience lower continuation, completion or progression rates than other student groups.
- A ‘Completion’ metric has been included for the first time. It measures whether students are still 'on programme' or have received a recognised exit qualification (not just certificate of credit) within 4 (for FT) or 6 (PT) years from point of entry.
- For Continuation, students transferring to another HEI are no longer classed 'positive' in this data. Instead, they are removed from the base data i.e. they don't count in the calculation.

- For Attainment and Progression, this is now reported using students entry mode rather than exit mode (as was the case in the past). This means that historical data now looks different e.g. could mean awarding gaps look larger or smaller.
- The data view now includes 2- and 4-year aggregates alongside single academic year data.
- Apprenticeship students are now standalone in the dataset. They used to be included in FT.
- In respect of statistical uncertainty/ significance, the circles the OfS used are gone and have been replaced with charts.

More from us on the data in due course... there is a bit to get our heads around!

What now...?

Just a reminder that we have three brave SEER members who are part of the Wave 1 submission process. I (and the SEER team) am working closely with these members over the next few months in developing Plans, understanding and interpreting expectations from the OfS, and, undoubtedly, ensuring that we throw some questions and points of consideration back to the regulator.

SEER is also:

- Producing a proposed preparation plan for development of new Plans (Wave 2), which will highlight key considerations, data, and progress milestones for development over 15 months
- Designing a summary table for Risks, impacts, students affected, and indicators, with a view to developing this into a risk assessment framework. (As noted above.)
- Creating a plan for a series of SEER member 'drop-ins' on key topics (online)

Our **SEER Symposium on the 18th April** is an excellent opportunity to ask questions to John Blake and hear from him regarding his reflections on our approaches.

Remember to book your place – tickets are limited to venue capacity.

I will be in touch. However, if anyone has burning questions or wants to clarify any of the above, please do not hesitate to contact me.

With best wishes,

Emma Thomas
Managing Director