

# Office for Students - Consultation on a new approach to regulating equality of opportunity in English higher education – November 2022



## Sutton Trust response

### To what extent do you agree with our proposals relating to risks to equality of opportunity?

We welcome efforts by the OfS to review the current process for regulating equality of opportunity in English Higher Education. This is a key part of the OfS' work, and it is important that both the regulator and the wider sector regularly take time to re-examine and adapt approaches to widening participation in the university sector.

Demand for higher education looks set to continue to rise, with applicant numbers estimated by UCAS to hit 1 million by 2026 (see - <https://www.ucas.com/corporate/news-and-key-documents/news/ucas-end-cycle-2021-strong-demand-uk-he-amidst-global-pandemic>). In terms of widening participation, while progress has been made over the last decade, the rate of change has remained slow, with a persistent gap in access, especially at the most academically selective institutions. The sector is also continuing to adapt to the fall-out from the COVID-19 pandemic, with young people from disadvantaged backgrounds the most heavily impacted by lost learning (see research from the COSMO study, here - <https://cosmostudy.uk/>), and only limited government investment in education recovery to mitigate the impact. With increasing applicant numbers meaning greater competition for places, and the uneven impact of the pandemic, the next few years are likely to be a challenging time for widening participation. A core question for this new approach is whether it goes far enough to ensure a step change in access given the current context.

We can see potential for both positives and negatives in the proposals outlined. Broadly, we feel that giving universities more control over the risks they decide to target and how they do so could enable more imaginative and tailored approaches to access, and we welcome the focus on innovation and evaluation. For universities who are already doing well, this approach could give them a great deal of freedom to try new and exciting approaches, which could then be shared across the sector. We are also in favour of a move away from a strict focus on POLAR, in order to ensure universities are incentivised to use measures which focus on income or socio-economic disadvantage.

However, we are also concerned that allowing universities to select the 'risks' they want to focus on means it is possible some could choose to put their focus on the risks that are easiest to address, and reduce the focus on representation of groups that are hardest to reach. We also hope that the new system will set strong expectations for highly selective institutions around risks to access, with an expectation they move towards closing their large access gaps over time, and take on a fair share of the sector level risks for access. Key alongside this concern is the extent to which the OfS will push back if universities are not being ambitious enough in their definition of risks and in choosing which they will address. It is key that areas of focus previously set out by the OfS for each institution (based on their APP progress to date) should remain, with the OfS actively laying out what it views are areas of challenge for institutions, and that there is a robust process to question universities not

going far enough in their initial submissions. This will require adequate resources (including staff time) from the OfS, to allow it to produce tailored guidance and to work with individual institutions to set and meet appropriately ambitious targets. The Trust also welcomes plans being informed by the views of its stakeholders, including current students. However, it is vital that when doing so, universities take into account their existing access gaps, and ensure they specifically give voice to students from under-represented groups, to avoid overly amplifying the views of students currently over-represented at their institution.

What is key is that the new system avoids removing some of the pressure on universities to be ambitious in their access plans and to focus on outcomes rather than activities: an approach that has borne fruit in recent years. A new approach should not mean that regulatory incentives for universities to widen participation and facilitate social mobility are relaxed.

**If you consider our approach should differ, please explain how and the reasons for your view.**

Our key concern is that the approach could allow institutions to pick and choose the risks that they tackle, and that this could lead some institutions to tackle 'easier' or 'more straightforward' risks.

To avoid this, looking at tackling access gaps for young people from lower socio-economic backgrounds specifically, we would favour an approach where institutions across the sector are expected to jointly tackle the access risks for this group, and where it is clear to each institution what their role is within that wider sector risk. This approach should recognise institutions already doing key work to address access issues but should not place the burden either entirely or overly on these institutions. All institutions with lower than expected proportions of students from lower socio-economic backgrounds should be expected to address this sector level risk.

This is particularly important for highly selective institutions, who cannot be allowed to take on a lower burden of risk for this group, for example due to lower proportions of this group meeting their entry criteria. In practice, this would mean each institution being given clear and strong expectations around their work to improve access for lower income students, with what 'success' looks like clearly outlined to institutions, and institutions then showing the OfS how they plan to reach those expectations.

It is also important that allowing for the identification of multiple risks and setting of a variety of targets doesn't impact on the ability to hold providers accountable to these targets.

**To what extent do you agree with our proposals related to the format and content of an APP?**

The Trust is supportive of the proposals relating to the format and content of APPs. A common approach and a summary page would both be positive steps towards accessibility, both for students and parents, and also for the wider sector to make it easier to compare content across APPs.

Ideally, alongside information on the financial support available to students, the summary should also include details of any contextual offers available, and links to where more detailed information is available. While many institutions now contextualise offers, many

students are unaware of these offers, and so they do not apply. APPs could be one useful source of this information for students, alongside other methods (for example, clear and easily accessible information on institutions' own websites). An accessible APP summary should include the markers used when making contextual offers, the support offered to eligible students, and the level of offer typically given.

We'd also like to see all APPs stored in one core, accessible place, easy to access for students. This could be held or coordinated by UCAS, to make APPs more accessible for students when choosing between providers.

### **To what extent do you agree with our proposals related to targets?**

The Trust welcomes the use of numerical targets for measurable outcomes within APPs, with clear targets being vital to holding universities to account on their progress on widening participation.

The Trust believes all institutions with existing access and/or achievement gaps for students from lower socio-economic backgrounds should be setting targets for progress on this group, and that this should be clearly outlined within their APP.

We agree with the OfS' approach to require universities, wherever possible, to use measures on the OfS' data dashboard. However, given the OfS' guiding role in the measures used, it is vital that the measures on that dashboard are robust, with the best possible measures used to identify vulnerable groups.

Previously, the sector (including the OfS) has appeared to conflate historic participation in higher education with socio-economic disadvantage. Of course, the two issues do inter-relate, but area based measures of historic access such as POLAR (and TUNDRA) have been found to be poorly correlated at an individual level with low family income, and biased against key demographic groups, including BAME students (see <https://www.suttontrust.com/our-research/measuring-disadvantage-higher-education-polar-fsm/>). And while historic participation in HE is a useful measure for widening participation, it should be used alongside, not instead of, a measure for income or socio-economic deprivation.

In previous APPs, a strong emphasis on POLAR, without an emphasis alongside it on a measure of family income background, such as free school meal (FSM) eligibility, has created perverse incentives for universities. For example, while the OfS has stated it does not want universities to use POLAR for individual decision making, for example in contextual admissions, it is widely used by universities for this purpose, because they are reasonably looking to meet the targets within their APPs.

The OfS should either strongly encourage or require institutions with access gaps to set targets for low income students specifically. This can be alongside area-based targets using measures such as POLAR, where universities feel that this is appropriate, but these measures should never be used as a primary marker for socio-economic disadvantage by a university.

Currently, FSM eligibility is the most robust measure for this purpose available to universities. Incorporating FSM data into APPs would enable a more joined-up national policy approach across schools and higher education, which could help to aid universities looking to carry out access efforts within schools. However, FSM data is not currently available on the OfS data dashboard. Ahead of the next round of APPs, the OfS should make this information available and strongly encourage universities to use this measure for targets related to the socio-

economic background of students. Alongside this, it should also be noted that there are ongoing issues with the ability of providers to access this data in its current form. This should be urgently investigated and addressed.

In the longer term, the OfS should work with the Department for Education to make better quality markers for socio-economic background available, ideally working towards making household income data available to institutions. This would be a much more accurate level of individual disadvantage, as it can pick up those who were eligible for but did not claim free school meals, and as it gives universities a more complete picture of access across the income spectrum, rather than only being focused on the very lowest incomes.

While those measures will give institutions the most accurate information available on income level, socio-economic and educational disadvantage are complex. Alongside the core measures of FSM and family income, there is also a potential role for a wider variety of measures, to help universities to examine the multi-dimensional nature of these issues. The OfS could provide institutions with a wider 'basket' of indicators, including the best area level markers of disadvantage, such as ACORN and IMD, which could be used alongside individual level measures to track the progress of institutions. Giving guidance on which of these wider measures to use, backed by evidence on their accuracy (see - <https://www.suttontrust.com/our-research/measuring-disadvantage-higher-education-polar-fsm/>), would help to ensure universities take a common approach, and avoid large variation in approaches, or potential gaming of measures by institutions (choosing whichever shows the university to be having the best performance).

### **To what extent do you agree with our proposal related to evaluation?**

The Trust welcomes a focus on robust evaluation. However, it is important that this emphasis is matched by access to guidance and expertise, to ensure evaluation efforts taking place are of high quality. Without significant additional investment (including in cross sector efforts such as those run and coordinated by TASO; a core element of the system which can build expertise across the sector, and share it between institutions), it will be difficult to carry out more evaluation activity both at a high quality, and at scale. Where choices are necessary between quality and volume, the Trust would prefer an emphasis on quality, with institutions perhaps carrying out one or two pieces of high quality evaluation on their access efforts, with findings then shared across the sector.

Institutions should be encouraged to carry out evaluation work across the APP lifecycle, with the opportunity to adapt their approach and update their APPs on the basis of evaluation findings. This will ensure that approaches are adapted if they are not working.

The OfS should set out measures to be used by institutions to evaluate progress towards their targets. A balance should be found between the previous highly prescriptive approach and a system where individual institutions are measuring things in different ways, making it potentially difficult to compare directly between institutions to monitor progress.

And while evaluating interventions is incredibly important, there should also be some flexibility to the plans built in for institutions. Under current proposals, there is a high burden on providers to evaluate every activity. That burden risks disincentivising innovation, where universities could be put off of trying new things by the additional burden of evaluating very early stages of new approaches. The OfS should provide guidance around the evaluation

requirements for smaller and more innovative approaches, balancing the need for robust evaluation alongside available funding and existing capabilities of institutions.

**If you consider our approach should differ, please explain how and the reason for your answer.**

The references to importance of innovation and acceptance in the consultation documentation, which suggests that some approaches will fail, is understandable. However, there are existing approaches in widening participation that we know work, for example summer schools and mentoring (see <https://taso.org.uk/intervention/summer-schools/> and <https://taso.org.uk/intervention/mentoring-counselling-role-models-pre-entry/>). It is vital that each institution has a balance of proven approaches alongside innovation, so that progress towards widening participation does not stall, while also giving institutions the freedom to try new approaches, some of which may fail.

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

In general, the OfS' stronger focus on engagement between providers and schools is welcome, however this must be considered carefully to both maximise impact on pupils and limit the burden on providers. The OfS should set realistic goals here and recognise that there are some limits on what universities can usefully do to raise attainment. Schools – which have expertise on attainment built up over many years, and knowledge of their own pupils and local contexts - find this task challenging. Many interventions trialled by the Education Endowment Foundation also do not make a substantial difference, reflecting the challenges and complexities of raising attainment.

The Trust welcomes that the impact of the COVID-19 pandemic on education and associated learning loss (particularly for socioeconomically disadvantaged young people) is being recognised as a key reason for expecting universities to include plans to raise pre-16 attainment in their APPs. In partnership with UCL, the Sutton Trust has recently released research based on data from the COVID Social Mobility and Opportunities (COSMO) study, the largest study of its kind into the effects of the COVID-19 pandemic on the life chances of a generation of young people (see - <https://cosmostudy.uk/>). It found stark differences in access to remote learning and catch-up activities by socioeconomic background (see - <https://cosmostudy.uk/publications/lockdown-learning> and <https://cosmostudy.uk/publications/education-recovery-and-catch-up>). It is therefore vital that the variable impact of the COVID-19 pandemic on students is considered as a key 'risk' that can be identified and tackled through APPs.

**How might the OfS support providers to develop strategic partnerships to raise attainment in schools?**

Where possible, the OfS should signpost third sector organisations and others in the outreach space that can help institutions to connect and work with schools to raise attainment. These organisations already have established connections and working relationships with schools, as well as the expertise needed to work alongside them. The OfS can also work with these organisations to identify elements of best practice that can be shared across institutions.

**What support would help foster collaboration between higher education providers, schools and colleges around information advice and guidance (IAG), outreach and attainment raising, and why?**

One way to foster collaboration between education providers in a local area could be connecting universities to careers hubs in their local area, which are managed by the Careers and Enterprise Company (see - <https://www.careersandenterprise.co.uk/careers-hubs/>). These hubs bring schools and colleges together with local businesses, apprenticeship providers and in-work training providers. Universities could work with these hubs to build connections with local schools and collaborate with other education providers to decipher the best approaches for different schools.

Regarding IAG on university as a whole, the Trust is keen to see recognition of these activities in APPs to ensure more disadvantaged students have access to guidance that they may not be receiving from elsewhere (for example, from family and friends). Recent research from the Trust has found that only 1 in 10 secondary school pupils have visited a university for an open day or other outreach event and only 2 in 5 year 13 students have taken part in this activity (see - <https://www.suttontrust.com/wp-content/uploads/2022/03/Paving-the-Way-1.pdf>). A new careers guidance strategy from the government is urgently needed, which should set out best practice for HE providers in collaborating with schools and colleges.

**To what extent do you agree with our proposal related to the assessment process? Please provide an explanation for your answer.**

It is welcome that the OfS proposes to use contextual provider data as part of the APP assessment process. Providers serve a wide range of students from different demographics and areas across the country and these contexts should be considered and understood when assessing a provider's APP. However, contextual factors should not be an excuse for not setting and meeting ambitious targets, especially for the most selective institutions who often have the furthest to travel on access.

As outlined in a previous response, we would also like to see FSM data available on the data dashboard.

**Do you foresee any unintended consequences resulting from the approach set out in this consultation? If so, please indicate what you think these are and the reasons for your view.**

As outlined in our response to Question 1, strong implementation is key to avoid potential unintended consequences to the approach outlined. There is a risk that, with the proposed risk register, some providers may choose to focus on risks that are easier to address and reduce their focus on the hardest to reach groups.

There is also a question of how this approach works intersectionally, which - if not well-thought through - could lead to unintended consequences. Many students will not neatly fit into one category of risk (for example, low income students from different ethnic backgrounds), and this should be carefully considered.



The focus on volume of evaluation also risks unintended consequences. The focus should be on encouraging high-quality evaluations which add to the evidence base. Quality should be the priority over volume.

### **Are there aspects of the proposals you found unclear?**

There are some pieces of information not currently available as part of the consultation process which would have been helpful to fully understand the approach outlined.

The sector-wide risks due to be laid out in the Equality of Opportunity Risk Register (EORR), the overall risk register from the OfS, is not available within the consultation documents. While the example outlined in Annex E is helpful, it is very difficult to fully understand the approach being outlined without access to the full EORR.

Additionally, at several key points throughout the consultation document, Regulatory advice 6 is referenced for further detail, including:

*“The OfS recognises that the content of an access and participation plan will vary for different providers. Each plan will be informed by the circumstances of an individual provider, the characteristics and needs of potential and current students and the views of its stakeholders, particularly its current students. Therefore, the extent to which a provider should address the sector-level risks to equality of opportunity identified by the OfS will be determined by these factors. Further information is available in Regulatory advice 6.”*

and

*“Further guidance on the OfS’s expectations in respect of the assessment of performance are set out in pages xx to xx of Regulatory advice 6.”*

These details are key to fully understanding the proposed approach, especially concerning how risks that are addressed by individual institutions fit into addressing wider risks to the sector as a whole. However, a draft of Regulatory advice 6 is not currently available. It would have been greatly helpful to be able to access and review this as part of the consultation process.