



12 January 2023

Rt.Hon. Robin Walker MP
Chair
Education Select Committee
(via email: robin.walker.mp@parliament.uk)

Dear Robin

As your committee looks ahead to consider its 2023 work programme, we would urge you to consider an inquiry into the operation and performance of the Office for Students (OfS).

We acknowledge that you have set out some immediate priorities for the committee, including childcare and provision for children with special educational needs. However, given the formation of the OfS was one of the most significant results of the Higher Education and Research Act (2017) (HERA), with wide-ranging impacts across the sector, we believe your committee could add significant value by carrying out an independent and comprehensive assessment of the OfS' performance.

Such an inquiry could assess whether it has succeeded in the role parliament envisaged for it in HERA, whether it has the confidence of the sector in the way it carries out its regulatory duties, how it has supported students and how it performs relative to standards set out in the Regulators' Code.

The Department for Education has now undertaken its own review of the HERA, but we believe the depth of scrutiny in its Memorandum to your committee fails to reflect the significance of this legislation and its impact on the sector. Furthermore, while the Government has (rightly) chosen to complete reviews into aspects of the research section of the 2017 Act - with the Grant and Tickell reviews looking into improving UKRI and identifying issues of research bureaucracy respectively – there has been no equivalent review of the OfS.

As well as providing an opportunity for universities to give their view, a standalone inquiry would give students a voice too. We believe this is critical given that one of the OfS' missions is to make sure that students succeed in higher education.

There is mounting concern across the sector that the OfS could become the Designated Quality Body (DQB) on a permanent basis. The need for an independent body to assess quality and standards was stressed by the Lords during the passage of HERA and ultimately resulted in the Government amendment to introduce the DQB function. If the OfS were to take on DQB responsibilities permanently it would lead to a loss of independent oversight of quality assurance in England and go against international standards.

No one in the sector disputes the need for proportionate, evidence-based regulation to ensure all students have access to high-quality education. However, there are growing concerns that the OfS is not implementing a fully risk-based approach, that it is not genuinely independent and that it is failing to meet standards we would expect from the Regulators' Code.

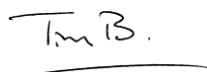
This is the case in several areas, including its continuing imposition of what we believe is unnecessary regulatory burden, which is diverting student funding resource away from universities' missions to provide a high-quality education for students. Another example of where the OfS' operation does not align with the Code is the absence of mechanisms for the Regulator to gain structured feedback from providers on its own performance (as highlighted in a recent report by the National Audit Office).

A review by your committee would also be timely given the additional responsibilities that the OfS is set to be given via the Higher Education (Freedom of Speech) Bill. In undertaking a full and independent review of the OfS' performance you would be providing confidence to the sector that in taking on this new role, the OfS is fit for purpose to do so and will be able to provide value for money for students and providers.

Therefore, with the five-year anniversary of the establishment of the Office for Students only last week, this is the appropriate time to investigate its role, responsibilities, concerns and the impact of future changes to its responsibilities on both students and higher education institutions.

We would be delighted to meet with you to discuss any of the issues raised in this letter and look forward to hearing from you soon.

Yours sincerely,



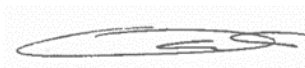
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