

Witness Name: Susan Lapworth

Statement No.: 1

Exhibits: **SL/01 - SL/66**

Dated: 15 August 2025

UK COVID-19 INQUIRY

WITNESS STATEMENT OF SUSAN LAPWORTH

I, Susan Lapworth, will say as follows: –

Part A: Roles and responsibilities

Our role

1. I make this statement pursuant to a Rule 9 request from the UK COVID-19 Inquiry dated 24 April 2025 in relation to Module 8, examining the impact of the pandemic on children and young people in the UK.
2. I am the chief executive of the Office for Students (OfS) and an executive member of the OfS board. I was appointed as interim chief executive in May 2022, and to the role permanently in September 2022 for a term of four years. Before that, I had been Director of Regulation at the OfS since 2018, with responsibility for the development of the OfS's regulatory approach.
3. The OfS is the independent statutory regulator of higher education providers such as universities and colleges, in England (for ease, in this witness statement, I refer to universities and colleges, or simply to 'institutions'). It is a non-departmental public body and reports to Parliament through the Department for Education (DfE). The OfS operates independently but within the strategic, policy and funding context set by the government. The OfS was established through the Higher Education and Research

Act 2017 (HERA), which sets out our main powers and duties. We began operating in April 2018 and took on our main regulatory powers in August 2019. When concerns about the impact of COVID-19 began to escalate in early March 2020, the OfS had been operating with its full powers for seven months.

4. Some minor amendments were made to HERA in June 2022, including to give the OfS the express power to assess the quality of higher education by reference to student outcomes, and the express power to publish information and be protected from defamation claims. These changes were not made as a direct result of the pandemic. More important in this context are the changes that we made from March 2020 to the way we carried out our regulatory and monitoring functions. I have described these in Part C of this witness statement.
5. The OfS was set up as a market regulator. When first established, our regulatory approach was designed to ensure that the higher education market was regulated so that, wherever possible, student choice and competition drove innovation, diversity and improvement. Our regulatory framework provides that, where market mechanisms are not sufficient to achieve the desired outcomes, there will be direct regulation of universities and colleges. Our experiences of regulating during the pandemic led us to realise that those market mechanisms were not always sufficient, for example, to safeguard and drive improvement in quality, and we therefore reformed our requirements to better protect the interests of students, as discussed further below.
6. The universities and colleges we regulate are autonomous self-governing institutions. To register with the OfS, an institution must have a governing body appropriate for the nature, scale and complexity of the institution. That governing body is then accountable for the institution's compliance with our regulatory requirements. Our regulation does not extend to every area of student life. For example, we do not directly regulate student accommodation, and each institution is responsible for the accommodation that it owns and for the welfare of students who live there.
7. Similarly, we do not have a direct role in dealing with individual complaints or disputes between students and their university or college. Students should normally address

their concerns to their institution in the first instance. They may then be able to take unresolved complaints to the Office of the Independent Adjudicator for higher education (OIA), which is the higher education student complaints handling body for England and Wales. We nevertheless encourage students to share their concerns with us, and those notifications are an important source of regulatory intelligence. They inform our assessments of whether institutions are meeting our regulatory requirements, and so whether we may need to take regulatory action to protect the interests of an institution's students as a group.

8. Within this context we regulate in the interests of all students of universities and colleges registered with the OfS, wherever they are studying. In this witness statement, I refer to students generally, and where it is available and relevant, to data that distinguishes young students from mature students. I also refer to different groups of students where the context requires. This includes students from 'underrepresented groups'. We use this term as the focus of our access and participation functions under HERA and associated regulations. It includes all groups of potential or current students where we can identify gaps in equality of opportunity in different parts of the student lifecycle.
9. For completeness, I note that the OfS also monitors what institutions do to prevent people being drawn into terrorism, under the Counter-Terrorism and Security Act 2015 (CTSA). Our remit in this regard extends to some institutions that are not registered with the OfS. During the pandemic, we adjusted our approach to prioritise our regulatory activity and engagement where we had significant compliance concerns and with institutions that were newly subject to the duty under the CTSA.

Our regulatory system

10. From 2018 and through the pandemic, our regulatory system aimed to empower informed student choice as the primary mechanism to drive improvement in the quality of education. We sought to ensure that all who are capable have a fair opportunity to attend higher education, and to incentivise universities and colleges to focus on students' needs. Students invest significant time, and often money, in their studies. They are (in general) inexperienced consumers, making important choices

about what and where to study with limited personal experience to inform that choice. They need assurance that they will receive high quality courses from financially sustainable universities and colleges.

11. We operate a registration system for eligible universities and colleges, and we set and enforce regulatory standards through 'conditions of registration'. Registration is not mandatory, but an institution must register if it wishes to access the benefits of registration. These are: access to the student finance system for student loans for tuition fees and maintenance; OfS and UK Research and Innovation public grant funding; eligibility for a student sponsor licence to recruit international students; and eligibility for powers to award its own degrees or to be called a 'university'.
12. As of 7 August 2025, 428 universities and colleges in England are registered (most of which were already registered when the pandemic first began). This includes big multi-faculty universities, small specialist institutions, private companies, and further education colleges offering foundation degrees and vocational higher education courses tailored to specific industries. The student populations in providers also vary widely in terms of their numbers – from fewer than 200 to over 20,000 – and characteristics.
13. Some further education colleges also provide higher education courses. If they want to access any of the benefits of registration in relation to those courses, they must register with us and comply with our relevant regulatory requirements. The principal financial regulator of further education colleges was the Education and Skills Funding Agency (ESFA). The ESFA is now part of DfE. We worked closely with the ESFA, and continue to work with DfE, to avoid regulatory duplication wherever possible. We have no regulatory remit in relation to the further education provided by universities and colleges that are registered with us. That is the remit of DfE (and previously, of the ESFA).
14. Our regulatory framework sets out our four primary regulatory objectives, and we have regard to these as we shape our work. I exhibit our regulatory framework as

SL/01-INQ000641588. These objectives are that all students, from all backgrounds, and with the ability and desire to undertake higher education:

- Are supported to access, succeed in, and progress from, higher education.
- Receive a high quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure.
- Are able to progress into employment or further study, and their qualifications hold their value over time.
- Receive value for money.

15. Our organisational strategy draws on these regulatory objectives and sets out our priorities for delivery. We have consulted on our new strategy for 2025 to 2030, and expect to publish the outcomes of that consultation in autumn 2025. I exhibit our proposed strategy for 2025 to 2030 as **SL/02-INQ000641590**. In March 2020, we were working to deliver our first organisational strategy, which reflected that the OfS was a new regulator setting up a new regulatory system. I exhibit a copy of our strategy for 2018 to 2021 as **SL/03-INQ000641591**.
16. Our Key Performance Measures show the impact of our regulation. We publish them on our website. They currently include measures of quality, equality of opportunity and enabling regulation including value for money. The value for money measures use student survey and outcomes data.
17. In performing our functions, we must have regard to the general duties in section 2 of HERA. These include the need to promote value for money in the provision of higher education, the need to promote quality in higher education, the need to promote equality of opportunity in connection with access to and participation in higher education of students from underrepresented groups, and the need to protect the institutional autonomy of universities and colleges registered with us.
18. The 'have regard' wording in the formulation of our general duties is important, as it means that, when we decide whether and how to act, we must weigh each of the duties against one another and decide how to balance any tensions that exist between them. It also means that HERA does not impose an absolute obligation on

the OfS to protect the autonomy of universities and colleges or to achieve any of the other outcomes set out in our general duties, but to ensure that each of these duties is carefully considered.

How we regulate

Our conditions of registration

19. All universities and colleges registered with the OfS must satisfy our conditions of registration. These conditions express the performance to which students and taxpayers are entitled. They are predominantly principles-based: the higher education sector is complex, and imposing a narrow rules-based approach would risk leading to a compliance culture that stifled diversity and innovation. Our principles-based approach gives universities and colleges, as autonomous institutions, considerable leeway to decide how best to meet our requirements in their own context.
20. Similarly, we do not prescribe how universities and colleges should operate beyond our regulatory requirements; we believe that autonomous institutions making their own decisions is the best way to ensure the sector can flourish and innovate.
21. Our conditions of registration include, amongst other things, requirements relating to: access and participation of students from groups underrepresented in higher education (the 'A' conditions), quality and standards of higher education courses (the 'B' conditions), protection of students' consumer rights (the 'C' conditions), financial viability and sustainability of universities and colleges (the 'D' condition), and the adequate and effective management and governance of universities and colleges (the 'E' conditions).
22. From April 2018 to March 2023 the Quality Assurance Agency for Higher Education (QAA) was designated under the provisions in HERA to undertake quality assessments for the OfS. The QAA decided in July 2022 that it no longer wished to be designated and was subsequently de-designated by ministers. The quality and standards functions set out in HERA reverted to the OfS and we have performed them since April 2023.

23. During the pandemic period, we commissioned the QAA to carry out quality assessments for us. These assessments were primarily for universities and colleges applying for OfS registration or for degree awarding powers. Early in the pandemic we temporarily suspended acceptance of new registration applications, while we focused on implementing our response to the pandemic. Quality assessment activity was resumed in December 2020 as we and the sector had had time to adjust to the pandemic environment.
24. In early 2020, as the pandemic took hold, we had not fully tested the mechanisms to assess the quality of courses offered by those universities and colleges already registered with the OfS. The issues raised by students and parents about changes to teaching and assessment during the pandemic caused us to reflect on our requirements for quality and how these should be assessed in practice. We revised our quality requirements in 2022, following a public consultation, and I have explained our reformed requirements in more detail in Part C below.
25. Tackling issues relating to equality of opportunity is also central to our work. The main tool that we use to support and challenge universities and colleges to improve equality of opportunity is the approval of access and participation plans. These plans set out how a university or college will improve equality of opportunity for students from underrepresented groups to access, succeed in and progress from higher education. Every university or college that wants to charge tuition fees up to the higher fee limit (currently £9,250 a year and rising to £9,535 in 2025-26) must have an access and participation plan approved by the OfS. The link between charging higher fees and access and participation plans is prescribed by HERA and associated fee regulations. Institutions registered with the OfS that only wish to charge fees up to the basic amount (currently £6165 a year, rising to £6355 in 2025-26) are required simply to publish an access and participation statement. This statement, which does not require approval by the OfS, must set out an institution's commitment to supporting access and participation in higher education by students from disadvantaged backgrounds and under-represented groups.
26. Ensuring providers are appropriately focused on the wider experience of their students is also part of our work. We do not directly regulate student welfare systems,

but we still have an important role to play. For example, our work on student mental health covers three broad areas:

- Providing funding for universities and colleges to develop practical and innovative approaches and solutions.
- Challenging providers to address gaps in outcomes between different groups of students through our access and participation regulation.
- Working with a range of partners to develop and disseminate sector-wide effective practice.

27. In April 2021, we published a statement of expectations to provide a clear framework for universities and colleges in preventing and responding to incidents of harassment and sexual misconduct that affect their students. More recently, we have introduced new regulatory requirements in this area to deliver faster progress and these came fully into force on 1 August 2025. I exhibit a copy of those regulatory requirements as **SL/04-INQ000641592**.

Our risk-based approach

28. The OfS regulates in a risk-based way. We do not systematically reassess the compliance of each registered university and college with each of its conditions of registration on a scheduled cyclical basis. We prioritise regulatory intervention according to the risk of an institution not meeting our conditions of registration. We use a range of information, from universities and colleges themselves, from students and from third parties such as other regulatory bodies, to monitor institutions' compliance with our requirements.

29. We can impose specific requirements on an institution, if we consider that it is at increased risk of breaching one or more of our general conditions of registration. If we consider that an institution has breached our conditions, we can impose a fine, suspend its registration (and so its access to some or all of the benefits of registration referred to above) or even de-register it.

Data about students

30. HERA makes provision for a body to be designated to compile and publish data on English higher education. During the pandemic, the Higher Education Statistics Agency (HESA) was the designated data body. In October 2022, HESA merged with Jisc (formerly known as the Joint Information Systems Committee), and Jisc was then designated to perform the data body duties in HERA.
31. Each year, the designated data body collects detailed information from universities and colleges about their students and staff. The data collected in relation to students is at individual student level. It includes information about each student's activity on their course and the outcomes they achieve, as well as about the characteristics of that student and their course. We use that data, together with data we collect directly from universities and colleges, for our regulatory purposes. We publish sector-level data, which explores patterns and trends across higher education in England, and data at individual university and college level. We also publish data dashboards which, as I explain in Part D below, show further breakdowns of the data for different student characteristics. I can provide more granular analysis of our data, if that is helpful to the Inquiry. However, as I note in Part D below, changes in data during the pandemic period should not automatically be interpreted as having been caused by the pandemic.
32. The most recent detailed data on student numbers and characteristics that we have published relates to the 2022-23 academic year and earlier years. Our published analysis covers the 2019-20, 2020-21 and 2021-22 academic years, which we understand are the key focus of the Inquiry. I refer to that data in this witness statement. We hold raw student number data for the 2023-24 academic year and have recently published information about full-time equivalent student numbers at universities and colleges and, in early August 2025, data on student outcomes at individual universities and colleges for 2023-24. However, we have not yet analysed the data for the 2023-24 academic year to produce detailed data dashboards on student numbers and student characteristics. We expect to have completed that analysis, and published that information, by autumn 2025. If it is helpful to the Inquiry,

I can provide a supplementary witness statement setting out that information, at that time.

Size and nature of the student population

33. In 2022-23, the universities and colleges registered with the OfS were teaching, or supervising the research of, approximately 2.53 million students in the UK. Of these, around 1.75 million were studying on undergraduate courses and 710,000 on postgraduate courses. This student population includes students from the UK and international students; those studying full-time or part-time; and those based on campus, learning at a distance or in work-based settings, and anything in between.
34. In 2022-23, two-thirds of undergraduate students were aged 21 years and under on entry to higher education. This mainly reflects the large number of young full-time undergraduate students, who make up three-quarters of the full-time undergraduate student population. The part-time undergraduate student population differs in that 87 per cent of part-time undergraduate students were 21 or over on entry. In 2022-23, 41.6 per cent of all postgraduate students were aged under 25 on entry. Just over 56 per cent of undergraduate and postgraduate students were female, although there were big differences in the proportions of male and female students studying different subjects.
35. In 2022-23, over half (56.5 per cent) of the undergraduate student population reported their ethnicity as white, 11.9 per cent as Asian, 7.7 per cent as black, 4.3 per cent as mixed and 2.2 per cent as another ethnicity. 17.5 per cent of undergraduate students do not have their ethnicity reported. One in five undergraduates reported a disability, reducing to 11 per cent at postgraduate level.
36. In 2022-23, the majority of undergraduate students (85.4 per cent) were domiciled in the UK compared with 47.7 per cent of postgraduate students. Almost three-quarters of full-time undergraduate students and almost 90 per cent of full-time postgraduate students were studying at a location not local to their address prior to their entry to higher education. This proportion drops to 14.4 per cent of part-time undergraduate students and 43.7 per cent of part-time postgraduate students.

37. Our Key Performance Measure 5 measures the number of young, full-time undergraduate students entering higher education, by differing levels of economic disadvantage. The measure uses data about school type, eligibility for free school meals, financial dependency status and household residual income to identify students who are 'significantly disadvantaged' or 'economically precarious'. Of the 290,300 young, full-time, England-domiciled students (who could be linked to their school record in their GCSE year) who entered undergraduate higher education in England in 2022-23, 48,700 students (16.8 per cent) were categorised as 'significantly disadvantaged' and 44,700 (15.4 per cent) were categorised as 'economically precarious'.
38. The Index of Multiple Deprivation (IMD) is a measure of relative deprivation for small, fixed geographic areas of the UK. IMD classifies these areas into five quintiles based on relative disadvantage, with quintile 1 being the most deprived and quintile 5 being the least deprived. In 2022-23, a third of undergraduate students were from the most deprived IMD quintiles (1 or 2) and almost half (47.2 per cent) were from IMD quintiles 3, 4 or 5. This data is only available for UK-domiciled students.
39. In addition, just over half a million students living abroad study with OfS-registered universities and colleges, for example through distance learning, in overseas branch campuses or under collaborative arrangements with local universities. These students are entitled to expect the same quality and standards as those studying in England, and their courses are also subject to our regulatory requirements in this respect.
40. While there may be shared identity in being a student, students' experiences will be as varied as the individuals who make up this population. We regulate in the interests of all students.

Relationships

UK government

41. The OfS operates independently of the government, and that principle is enshrined in HERA. We are careful to adhere to this statutory obligation and our scheme of

delegation makes provision for additional independent input for significant regulatory decisions.

42. Our relationship with the government is similar to that for other independent regulators. We work in the wider strategic, policy and funding environment set by ministers. In this context, our experience is that ministers and government officials respect our independence and understand its importance. HERA provides five mechanisms through which ministers can legitimately exert influence over our work:

- Through public appointments – ministers appoint members of our board, including the chair and chief executive.
- Ministers can issue statutory guidance about the performance of our functions and we are obliged to ‘have regard’ to this guidance. In practice this means that we consider statutory guidance alongside our general duties and reach our own independent view about the appropriate course of action. We publish this statutory guidance on our website.
- Ministers can issue general directions to the OfS, through regulations, about the performance of our functions, with which we must comply.
- Ministers can attach terms and conditions to the public grant funding we allocate to universities and colleges, and have done so by requiring us to make cuts to funding in particular ways and in a particular timescale.
- Ministers can require information or advice from us about our functions or information obtained in the performance of any of our functions.

43. I have discussed below how we worked with ministers and officials in DfE during the pandemic.

Students

44. Students inform and contribute to our work in a number of different ways.

45. We invite students to tell us about their experiences through polling and focus groups, and through our notifications system where they believe their university or college is

not meeting our regulatory requirements. As I note above, we do not have a role in resolving disputes between individual students and their institutions.

46. We run the National Student Survey (NSS), which is the largest and longest-running annual survey of UK students. The NSS is jointly funded by the OfS and other regulatory bodies in the four UK nations. It is conducted between January and April each year and gathers the views of final year undergraduate students about their course. In 2025, 528 universities and colleges across the UK participated in the NSS. We usually receive over 300,000 responses, which is around a 70 per cent response rate. The survey informs prospective students' higher education choices; supports universities and colleges to make improvements to their teaching, assessment, and other aspects of the student academic experience; and supports public accountability. Data, and the open text comments from the survey, are provided to participating universities and colleges and to the higher education regulators in the other UK nations. We publish NSS data each year.
47. The NSS is an important regulatory tool for us and universities and colleges registered with the OfS must take part. NSS results are one of the indicators that we use to assess the risk of a university or college not meeting our regulatory requirements and so whether we may need to investigate further.
48. The NSS 2020 response period included the first part of the first national lockdown. We published the results in July 2020. The impact of the pandemic on the results was not marked, and the majority of respondents had responded before the full effect of the pandemic was felt. We examined the volume of free text comments mentioning the pandemic, as a way of understanding the extent to which it was in students' thoughts as they responded to the survey. We were able to detect around 3,100 comments that mentioned the pandemic, which amounted to 1.6 per cent of all comments. We did not find evidence that the reliability of the statistics had been affected, or the results strongly affected, by the pandemic, to the extent that exceptional caveats or adjustments were needed. I exhibit a copy of our analysis of the results of the NSS 2020 as **SL/05-INQ000641593**.

49. The NSS 2021 ran from January to April 2021, with the UK once again in national lockdown. In accordance with government guidance, many universities and colleges did not return to face-to-face teaching for the majority of students until May 2021. Against this backdrop, we did not change the core questions of the NSS. However, we included six topical questions on the pandemic and its impact on students' experience. I have summarised the key findings from the NSS 2021 in Part D below.
50. Outside the pandemic period, we have engaged regularly with the National Union of Students (NUS). In the early stages of the pandemic, we had a weekly call with the NUS to collaborate on communications to students and discuss the issues facing students, including their consumer rights and quality of teaching. These discussions helped inform the development of our student-facing information pages, which I refer to in Part D of this witness statement.
51. Our board includes a member appointed because of their experience of representing the interests of students. This board member has chaired our student panel. During the pandemic, we worked with our student panel to understand better students' views and to support us to develop policy in the interests of students. In the later stages of the pandemic, our student panel members met with government ministers to discuss the impact of the pandemic and the longer-term implications of the move to blended and online models of teaching.
52. In May 2025, our student panel was replaced with a student interest board, made up of a mix of students, staff and officers from students' unions and others who can share students' interests. The student interest board is a formal committee of our board, giving students greater input into shaping our work. This change, not directly related to the pandemic, was part of wider work to put the interests of students at the heart of our next strategy, for 2025-30.
53. The Uni Connect programme, funded by the OfS, brings together 29 partnerships of universities, colleges and other local partners. Working collaboratively, they aim to increase the number of young people from underrepresented groups who go into higher education by focusing on local areas where participation is low, and offering activities, advice and information on the benefits and realities of going to university or

college. In response to the pandemic, we asked the partnerships to support a broader range of underrepresented students in their local areas (not just those in their target schools and wards). We also asked them to focus on supporting the needs of particular student cohorts: those applying to higher education in the 2020-21 academic year; those applying to early recruiting institutions for 2021-22; and those in transition years (Years 9, 11 and 13). The partnerships responded by developing digital and other remote information, advice and guidance and outreach activities, and by continuing to engage with as many Uni Connect and other underrepresented learners as possible during this time.

Other stakeholders

54. In carrying out our regulatory activities, we engage with many other bodies. We share information with other bodies where that is for the purposes of our work or, in some cases, their work, in accordance with the relevant provisions of HERA. A non-exhaustive list includes the Charity Commission, the Office of Qualifications and Examinations Regulation (Ofqual), UCAS (formerly the University and College Admissions Service), the Competition and Markets Authority, UK Research and Innovation, the OIA, Student Minds, the UK Council for the International Student Affairs, sector representative bodies and a number of professional, statutory and regulatory bodies such as the General Medical Council and the Nursing and Midwifery Council.
55. During the pandemic our engagement with many of these bodies increased, for example with UCAS in relation to admissions matters, and with student welfare organisations in relation to student mental health. On the latter, we co-presented at seminars and events. We worked closely with sector representative groups in adapting our regulatory approach and developing guidance during the pandemic.
56. The Disabled Students' Commission (DSC) was an independent group established to develop and support the experiences of disabled students in higher education. We ran a competitive public process in 2020 to appoint its members, and we funded the commission during the pandemic. The DSC undertook research and published guidance. It operated independently from the OfS, although an external evaluation

published in 2023 concluded that stakeholders did not always wholly perceive it as being so. I exhibit a copy of that evaluation as **SL/06-INQ000641594**. The DSC was funded by the OfS between 2020 and 2023. In 2024, we established the Disability in Higher Education Advisory Panel, which is a committee of the OfS board and includes independent members. The panel provides expert advice on enhancing disabled students' experiences in higher education.

57. At the DSC's request, we asked universities and colleges to provide summary information about whether they had adopted the seven recommendations in the DSC's July 2020 booklet 'Three months to make a difference'. We asked universities and colleges to do this as part of their report to us on their progress towards delivering the commitments in their 2019-20 access and participation plans. I have exhibited our report summarising the outcomes of this monitoring exercise as **SL/07-INQ000641595**.

58. I cannot find evidence of a response made by the OfS to 'Going back is not a choice', publishing the findings of a survey by Disabled Students UK in 2021; there is, however, some evidence that we were aware of this publication.

Part B: Planning and working with the government

Before March 2020

59. Each year, we publish our annual report, which summarises our approach to risk management and key risks we faced in that year. Our assessment of risk before the pandemic spoke to overarching issues of global change, the changing nature of the higher education sector and the complexity of our emerging regulatory role. We also had business continuity arrangements in place, and had carried out a number of business continuity tests during the 2019-20 year. However, we had not specifically planned for a global pandemic. I exhibit our annual report for 2019-20 as **SL/08-INQ000641596**.

60. Similarly, we did not see specific planning in relation to a global pandemic within universities and colleges. Universities and colleges registered with the OfS are required to have in force and publish a student protection plan that sets out the actions that the institution will take to ensure that students can continue their studies in the event of course, campus or institutional closure. Those plans did not generally address risks that might cause institutions to close their campuses and move all tuition online. We did not require those plans to be updated as the pandemic took hold, as matters were then moving very quickly.
61. In February 2020, we began to publish government advice about COVID-19 on our website, including 'stay at home' guidance and travel advice. In late February 2020, we discussed briefly with DfE the government's powers under the Civil Contingencies Act 2004 to suspend regulatory requirements. We also discussed the use of those powers to give the OfS an express, temporary, power to suspend its conditions of registration for emergency purposes. Those discussions were not pursued further at that time and I have explained below how we adapted our regulatory approach during the pandemic.
62. We did not begin to discuss in more detail the potential impact of COVID-19 on students, universities and colleges – within the OfS, or with the government or other stakeholders – until very early March 2020. For example, the DfE permanent secretary at the time held regular meetings with arms' length bodies. Our then chief executive attended the February 2020 meeting, and notes made of that meeting do not mention COVID-19.

Early months of the pandemic

63. The OfS senior leadership team, of which I was a member, began to meet more regularly from March 2020 as the COVID-19 situation escalated rapidly. Much of our initial focus was on operational matters; how and whether we could continue to regulate as in normal times and how we might remain operational if staff absences through COVID-19 started to increase. The pandemic tested our business continuity arrangements, but we were able to switch our business to home working with minimal disruption. However, we later recognised that we should have been quicker to

consider how disruptive the pandemic might be, the scale of the response that could be required from universities and colleges, and the profound impact the pandemic could have on students.

64. As COVID-19 restrictions on different aspects of society were gradually tightened by the government in the weeks leading up to the first national lockdown, there was concern in the sector about whether universities and colleges would be required to close. Those were decisions for the government to make. We had no role in shaping public health guidance or in the imposition of COVID-19 restrictions. However, we recognised that the closure of campuses would be likely to have a profound effect on students' lives.
65. We began to publish advice and guidance for students about the pandemic from March 2020, and I discuss that further below. Our communications with universities and colleges, and with students, about the closure of campuses and move to digital teaching, happened in real time, as the first national lockdown was announced in March 2020 and in the following weeks and months.
66. A taskforce group was formed in early March 2020 by DfE, with Universities UK (UUK), other sector representatives and the OfS. UUK is a sector representative group, representing 141 universities across the UK. The taskforce group met regularly, particularly in the early months of the pandemic, to ensure good information flows and a shared picture of what was happening in the sector and of the issues affecting students. We also worked closely with DfE, the Treasury and the Department of Business, Innovation and Skills (as it then was), in relation to financial challenges facing universities and colleges as a result of having to pause research.
67. DfE shared with us draft letters and guidance for universities, colleges and students, in advance. Our input helped to inform ministers' and officials' understanding of the sector and the OfS's role within it. As I note above, it was not our role to comment on public health advice, but rather to support institutions and students as they navigated the new environment. We published on our website letters and guidance from DfE to universities and colleges, and I refer to some of those in the next section of this witness statement. This ensured that those communications were publicly available.

68. We also published, on our website, letters from the government to students, including the following:

- a. **March 2020:** A letter to students to explain the latest developments in the battle against COVID-19. I exhibit a copy of this letter as **SL/09-INQ000641597**.
- b. **2 November 2020:** A letter to students to explain how COVID-19 restrictions would affect students and their studies. I exhibit a copy of this letter as **SL/10-INQ000641598**.
- c. **20 December 2020:** A letter to students to explain the Tier 4: Stay at Home COVID-19 restrictions and the impact on travelling home for the Christmas break. I exhibit a copy of this letter as **SL/11-INQ000641599**.
- d. **31 December 2020:** A letter to students about further restrictions impacting the return to in-person teaching at the beginning of the spring term 2021. I exhibit a copy of this letter as **SL/12-INQ000641600**.
- e. **22 February 2021:** A letter to students about the Prime Minister's announcement of the roadmap to reopening of education settings. I exhibit a copy of this letter as **SL/13-INQ000641601**.
- f. **13 April 2021:** A letter to students about returning to in-person teaching for remaining students. I exhibit a copy of this letter as **SL/14-INQ000641602**.

Part C: Adapting our regulatory approach

External environment and government guidance

69. Our response to the pandemic should be understood in the context of the prevailing environment and government and public health guidance in place at the time. I have set out some key dates and documents below, for context.

Date	Document
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20 March 2020	Letter from the government to the sector reinforcing need to move to online teaching. Most campuses were effectively closed to most students for the remainder of the 2019-20 academic year. I exhibit a copy of this letter as SL/15-INQ000641603 .
23 March 2020	National lockdown announced.
26 March 2020	Letter from the government to universities and colleges instructing students still on campus not to travel home. I exhibit a copy of this letter as SL/16-INQ000641604 .
June 2020	National lockdown ends. Social distancing restrictions introduced. The government issues COVID-19 operational guidance for universities and colleges, which is periodically updated as public health advice and restrictions change. Institutions are advised to follow government guidance on working safely during the pandemic where it is applicable to their facilities. I exhibit a copy of this guidance as SL/17-INQ000641605 .
July 2020	The government establishes higher education restructuring regime, a scheme for higher education providers facing financial difficulties as a result of COVID-19. I exhibit a copy of the announcement of the scheme as SL/18-INQ000641606 .
September 2020	Many students returned to campus despite ongoing restrictions, affecting the delivery of teaching and the wider student experience. Some face-to-face teaching resumed at most universities and colleges.
2 November 2020	Letter from the government to universities and colleges stating it did not want or expect a return to full online learning during national lockdown to start on 5 November. I exhibit a copy of this letter as SL/19-INQ000641607 .
2 December 2020	Second national lockdown ends. Introduction of system of tiered restrictions.
December 2020/January 2021	Letter from the government to universities and colleges delaying the general return of students to campus to 25

	January 2021. Those on some vocational courses, including medicine, dentistry, subjects allied to health and medicine, and courses requiring professional, statutory and regulatory body assessments, were able to return from 4 January 2021. I exhibit a copy of this letter as SL/20-INQ000641608 .
6 January 2021	Third national lockdown announced, to last six weeks.
8 March 2021	Some students on practical courses requiring specialist facilities were able to return to campus.
From 17 May 2021	Many universities and colleges begin to return to face-to-face teaching, in accordance with government guidance. By July 2021, all restrictions on universities and colleges had been lifted allowing full reopening of facilities in time for the 2021-22 academic year.

Our regulatory focus

70. In March 2020, the OfS was still a new regulator. Established in 2018, our full statutory powers were not switched on until August 2019 and so our full requirements were not in place for registered universities and colleges until that date. Our regulatory focus to 2020 had been to register nearly 400 universities and colleges. We had had little experience operating our powers, for example, of assessment, investigatory and enforcement activity, and institutions had little experience of navigating a new regulatory environment.
71. Initially, DfE was keen to understand the rates of transmission of COVID-19 within universities and colleges. On 9 March 2020, at DfE's request, we wrote to institutions requiring them to notify us of actual and suspected cases of COVID-19 amongst their staff and students. I exhibit a copy of this letter as **SL/21-INQ000641609**. We realised quickly thereafter that having to make those reports was unlikely to be a good use of institutions' time and that things were moving too quickly for the information to remain current and therefore be useful. We removed the reporting requirement a week later. DfE subsequently asked us to assist it with the collection of information about COVID-19 cases at universities and colleges. We agreed to help facilitate that given the

exceptional nature of the situation at that time. That collection process was separate from our regulatory requirements, and the information was assessed and published by DfE and not by the OfS. I exhibit a copy of our letter of 16 October 2020 to institutions, explaining that process, as **SL/21a-INQ000652072**

72. We wrote to universities and colleges on 17 March 2020 and I exhibit a copy of that letter as **SL/22-INQ000641610**.

73. By that point we were starting to understand more the potential significant impact of the pandemic on the sector. Our letter set out our three key objectives reflecting how we intended to respond to the impact of the pandemic:

- a. To support the government's objectives by sharing information with universities and colleges and enabling them to respond effectively.
- b. To protect students by working with universities and colleges to develop practical ways to maintain teaching quality and standards, enable adequate exams and assessment, and support financial sustainability.
- c. To seek to minimise disruption in the long run to the English higher education system – reducing permanent damage and laying the foundations for the sector to recover as quickly as possible once the pandemic was over.

74. Those objectives reflected the areas within our regulatory remit that we considered might be most significantly affected by the pandemic, not least by the potential closure of campuses. This led to us focusing our regulatory attention on the following key areas:

- a. Supporting institutions to support their most disadvantaged students.
- b. Safeguarding the quality and standards of higher education.
- c. Protecting the rights of higher education students as consumers.

- d. The financial vulnerability of universities and colleges.
- e. Maintaining the stability and integrity of the higher education sector

Monitoring universities and colleges

- 75. As the pandemic began to take hold, universities and colleges very quickly transitioned from in-person teaching to wholly online delivery, to comply with COVID-19 restrictions and to protect the health of their students and staff. We adapted our regulatory approach to support universities and colleges as they did so.
- 76. We changed how we engaged with individual universities and colleges, setting up Coronavirus Response Teams to ensure named staff were available to answer questions and provide information. Each team oversaw a portfolio of universities and colleges. Through these teams we refocused our monitoring activities to concentrate on the key areas I refer to above.
- 77. In doing so, we significantly reduced the data and information that universities and colleges were required to submit to us or to the designated data body, to support them to focus on protecting their students. I exhibit a copy of our 25 March 2020 letter, explaining our reduced requirements, as **SL/23-INQ000641611**.
- 78. We normally require universities and colleges to submit a number of cyclical data returns to us or the designated data body, covering matters such as financial information, information about the economic cost of the institution's activities, student data including number and type of students studying at the institution and data on student outcomes, and information about the institution's staff.
- 79. During the period of March 2020 to June 2020, we required universities and colleges to provide us with limited data, as follows:
 - a. Financial information, to enable us to monitor their financial position as they faced the uncertainties of the pandemic.

- b. Graduate outcomes data to enable us to continue to track student outcomes, to understand the impact on students of disruption caused by the pandemic.
 - c. Individual course data (referred to as 'Unistats data'), to ensure that applicants continued to have access to accurate information to inform their higher education choices.
80. We paused other data requirements. We also reduced or postponed requirements for monitoring reports in relation to the use of OfS funding, engaging directly with institutions already delivering OfS-funded capital projects to understand the impact of the pandemic on them.
81. From June 2020, we began to phase requirements back in for universities and colleges to submit a wider range of data returns, with extended deadlines where appropriate. We did so because, notwithstanding the ongoing uncertainty created by the pandemic, having accurate data became more important than ever to enable us to support the quality of higher education provision for students. I exhibit a copy of our letters of 19 June 2020 and 30 July 2020 to universities and colleges as exhibits **SL/24-INQ000641612** and **SL/24a-INQ000652075** respectively.
82. Our normal regulatory requirements also include an obligation for universities and colleges to report certain events that may be material to an institution's legal form or business model, or to its willingness or ability to comply with its conditions of registration (known as 'reportable events').
83. From March 2020 to December 2021, we significantly reduced those reportable events requirements. During that period, we broadly required universities and colleges to tell us only: about matters that might affect their short-term financial viability (and so their ability to continue operating); where they could no longer provide some or all of their higher education courses; or where they were unable to award credit or qualifications to students because, for example, of disruption to learning caused by the pandemic. We considered these to be the matters that we most urgently needed to understand, as they were fundamental to the interests of students. We proactively contacted individual universities and colleges to discuss issues

reported to us. In those early months of the pandemic, we did not require institutions to report their move to online teaching, as this happened very quickly, and across the sector, in response to government advice, public health advice and COVID-19 restrictions. Nor did we require institutions to tell us when campuses began to reopen in the later stages of the pandemic. The burden on institutions to report that information, in an environment that was constantly changing, and where all institutions were making these changes in response to government guidance, was likely to have outweighed its regulatory usefulness. I exhibit our guidance for providers about reportable events during the pandemic (updated in January 2021) as **SL/24b** **INQ000652071**. Our letter of 30 July 2020, which I have exhibited as **SL/24a- INQ000652075**, updated the reportable event relating to an institution's financial liquidity set out in paragraphs 10 and 11 of that guidance.

84. This reduced reporting was not a sustainable long-term position, as it limited our ability to understand risks and protect the interests of students and taxpayers on a broader range of regulatory issues. Therefore, following consultation, we introduced refreshed reporting requirements from 1 January 2022. They provided greater clarity for institutions on the breadth of issues in which we have a regulatory interest and which they needed to report to us. I exhibit our revised guidance on reportable events as **SL/25-INQ000641613**.
85. In late 2020, we also refreshed our approach to notifications, where students, staff and other third parties tell us about issues or concerns relating to their university or college. We published a more student-friendly guide on our website explaining how to contact us and what we might do with information sent to us. Our experiences of regulating during the early months of the pandemic reinforced how important it was for us to understand the experiences of students and for students to be able to tell us about things that matter to them.
86. In March 2020, we suspended most of our additional monitoring and reporting requirements, and any specific regulatory requirements that we had imposed on individual universities and colleges. We permanently removed the majority of these requirements in late 2021 and early 2022, through engagement with individual

universities and colleges, as we began to reinstate our normal regulatory activities in a way that was increasingly risk-based.

Supporting institutions to support their most disadvantaged students

87. In our letter of 25 March 2020, exhibited as **SL/23-INQ000641611**, we informed universities and colleges that we would not be undertaking routine monitoring activity in relation to 2019-20 access and participation plans. We did this as part of adapting our regulatory approach, to minimise regulatory burden for institutions as they focused on protecting the health of their staff and students in those early months of the pandemic. We made clear that we expected universities and colleges with existing approved access and participation plans to seek to deliver in full the financial commitments made to current students in a 2019-20 plan and future students in a 2020-21 plan. In assessing how an institution had sought to meet its commitments after those periods, we indicated that we would then consider whether its decisions were reasonable and had taken into account the needs of students, especially students from underrepresented groups. Our letter also set out our plans for the approval of access and participation plans for 2020-21 onwards, including that such approval may be granted for no more than one year because of the challenges of engaging with an institution to improve a draft plan during the pandemic. We also suspended the requirement for relevant institutions to publish an access and participation statement, although they could continue to do so if they wished. This related to institutions only intending to charge fees up to the basis amount and so not subject to our access and participation plan requirements. .

88. We also permitted universities and colleges to use their OfS funding to support changes made to teaching, assessment and other student services as a result of the pandemic, provided this did not conflict with the purposes for which particular grants had been earmarked. In particular, OfS funding could be used to bolster student mental health support services and to address student hardship, prioritising support for vulnerable students and students from underrepresented groups. OfS capital grants could be used to support remote access to learning, teaching and assessment, for example by providing equipment where students would not otherwise be able to

secure it. I exhibit our letter of 6 May 2020 to universities and colleges as **SL/26-INQ000641614**.

89. In February 2021, we distributed £50 million in hardship funding, provided by the government, to help mitigate the challenges of the pandemic, including for students who had not been able to occupy their termtime rented accommodation and had incurred additional costs. Some of that funding was also used to boost the £20 million hardship fund announced in December 2020 by the government and distributed by the OfS, which was targeted towards institutions that recruited high numbers of students from underrepresented groups. I exhibit our letter of 5 February 2021 to universities and colleges as **SL/27-INQ000641615**.
90. We distributed a further £15 million of hardship funding in April 2021, again to support students facing continuing financial issues because of the pandemic, such as additional accommodation and living costs and the costs of accessing remote learning. I exhibit our letter of 30 April 2021 to universities and colleges as **SL/28-INQ000641616**.
91. Our letter of 30 July 2020, which I have exhibited as **SL/24a** **INQ000652075** updated universities and colleges on our plan for a phased resumption of certain regulatory requirements. With respect to access and participation plans, we committed in that letter to gathering evidence on the impact of the coronavirus pandemic to inform our approach to monitoring access and participation plans. We wrote to universities and colleges on 26 November 2020 setting out our arrangements and reporting requirements for monitoring access and participation plans covering the academic year 2019-20. I exhibit a copy of our 26 November 2020 letter as **SL/28a-INQ000652073**. The letter summarises the engagement that we had with institutions and other stakeholders to discuss the impact of the pandemic on students at the three main stages of the student lifecycle – access into higher education, students’ success within higher education and progression into further study or graduate employment. The letter also set out our approach to monitoring providers’ progress in meeting the objectives and targets set out in their 2019-20 access and participation plans. I have exhibited our report on access and participation monitoring outcomes for 2019-20 as **SL/07-INQ000641595**.

92. We wrote to institutions on 15 March 2022, setting out our approach to monitoring access and participation plans for the 2021-22 academic year. I exhibit a copy of our 15 March 2022 letter as **SL/28b-[INQ000652074](#)**. In autumn 2022, we consulted on a new approach to the regulation of equality of opportunity. We published the outcomes of that consultation in Spring 2023 and I exhibit our report as **SL/28c-[INQ000652070](#)**.
93. In December 2020, we began accepting new applications for registration again (having suspended that acceptance early in the pandemic) and so resumed the requirement for institutions registering with us and only charging fees up to the basic amount, to publish an access and participation statement.

Safeguarding the quality and standards of higher education

Maintaining quality and assessing achievement during the pandemic

94. We were particularly keen to ensure that universities and colleges maintained the quality of their higher education provision, as they transitioned to online learning in March 2020 and thereafter, and that they continued to assess student achievement and award qualifications in a reliable way. In April 2020, we published guidance for universities and colleges on how we would approach the regulation of those matters. In developing that guidance, we engaged with sector representative groups. The guidance was updated in January 2021 to reflect changing government guidance. I exhibit a copy of our guidance, as updated, as **SL/29-[INQ000641617](#)**. I exhibit a copy of the guidance as originally published, as **SL/29a-[INQ000651379](#)**.
95. At the time, our regulatory requirements for quality and standards, in our B conditions of registration, set out requirements expressed as broad principles. They did not set out the detailed components of what constitutes a high quality higher education as our reformed B conditions have done since May 2022, and I discuss those further below. Our revised requirements continue to follow a predominantly principles-based approach. It remains important that universities and colleges, as autonomous institutions, have flexibility to meet our requirements in a way appropriate to their own context. Prescriptive rules would stifle innovation and infringe on institutional autonomy in an unhelpful way.

96. For the same reason, we did not prescribe particular approaches or mandate how autonomous universities and colleges should comply with our requirements on quality and standards during the pandemic. Each institution was free to determine how best to comply in the particular context in which it operated. This flexibility was essential given the diverse nature of the sector, and of the student population across different universities and colleges. I have explained our risk-based approach in an earlier section of this statement. We do not systematically reassess the compliance of each registered university and college with each of its conditions of registration on a scheduled cyclical basis. We prioritise regulatory intervention according to the risk of an institution not meeting our conditions of registration. This remained our approach during the pandemic; it would not have been feasible to pivot to an inspection regime of each of the 400+ institutions registered with us. During the pandemic, we used information from universities and colleges themselves in response to our revised reporting requirements referred to above, and from students about their experiences, to assess regulatory risk. I describe our approach to monitoring in paragraph [101] below.
97. We expected every university and college to make all reasonable efforts to provide alternative teaching and support for students that was broadly equivalent to its usual arrangements. Where changes were made, these needed to be clearly communicated to students, particularly where online delivery was not an easy substitute for practical elements of a course. Universities and colleges were free to think creatively, for example by rescheduling those practical elements to later in the course once COVID-19 restrictions had been lifted. Some courses include placements in the workplace for which the student is training. Where these could not take place, universities and colleges could consider whether students could demonstrate they had met the learning outcomes in other ways.
98. Our guidance emphasised the importance of considering the needs of the most vulnerable students, including those with COVID-19 or required to self-isolate, international students, and students less able to access remote learning, together with care leavers, those estranged from their families, and students with disabilities. Our monitoring of access and participation matters during the pandemic, which I have discussed above, highlighted the impact of the pandemic on students from

underrepresented groups, including care leavers and those with disabilities. I have exhibited our report on access and participation monitoring outcomes for 2019-20 as **SL/07-INQ000641595**.

99. We were clear that, in awarding qualifications, universities and colleges must continue to assess students' achievements reliably. They had to judge whether there was sufficient evidence to determine that outcomes at the appropriate level had been achieved, which might differ for different students on different courses. Nevertheless, we expected institutions to give adequate and sympathetic consideration to the disruption caused to students' learning and experience during the pandemic. Our view was that, in the prevailing environment, each university and college should actively consider whether it could award qualifications where students had not completed all planned requirements and should do so wherever possible.
100. Where courses were accredited by an external body, such as those leading to medical or nursing qualifications, it was important for universities and colleges to discuss with that body how its requirements could be met in the exceptional circumstances of the pandemic.

Improving students' academic experience

101. Where an institution reported issues to us under our reporting requirements referred to above, for example where it had been unable to deliver elements of a course at all, or where students complained to us about what they were receiving, we discussed that matter with the individual university or college concerned. Through that engagement, we used our influence as the regulator to support and encourage universities and colleges to deliver the best experience they could for students. However, in the face of public health restrictions, it remained the case that many students did not get the experience they had expected or that in many cases, felt they had paid for.
102. We undertook a major review of digital teaching and learning in higher education in the context of the rapid shift to online delivery during the early months of the pandemic. The review was chaired by the chair of the OfS, Sir Michael Barber. His

report, published in February 2021, captured the experiences of staff and students during that extraordinary phase. He set out a model for how to deliver digital teaching and learning effectively. This included the need to start with appropriately designed pedagogy, curriculum and assessment, with the needs of different student groups embedded from the outset, and for students to have access to the right digital infrastructure. I exhibit a copy of the review report as **SL/30-INQ000641618**.

103. In part informed by our experiences during the pandemic, we reformed our quality requirements (the 'B' conditions) in 2022, following a public consultation. Our pandemic guidance on quality and standards then ceased to apply. Our revised requirements apply to all higher education that an institution offers. This means that postgraduate research courses, the study of modules or courses leading to microcredentials, and apprenticeships are all in scope. So are higher education courses provided face-to-face, by distance learning, or a combination of delivery approaches.
104. Our revised quality conditions include sharper requirements relating to academic experience, resources and support, assessment and awards, and student outcomes such as completion rates and progression rates into managerial or professional employment or further study. Employability is embedded within these requirements, such as the requirement for students to develop relevant skills, including practical and transferable skills and professional competences relevant to the subject matter and level of their course. Our revised requirements also deal specifically with digital learning resources, and the digital learning review provided useful context for their development.
105. Following the introduction of our revised requirements on quality, we commissioned a review of blended learning in higher education, conducted by a panel of academic experts led by Professor Susan Orr. The review defined blended learning as 'teaching and learning that combines in-person delivery and delivery in a digital environment'.
106. The review report, published on 19 October 2022, summarised feedback from students, including on the isolation they experienced studying online during the lockdowns. Students said that, while they valued the flexibility of asynchronous online

provision, they also valued lectures on campus, which they felt supported peer learning. The review report highlighted the issues and approaches that the panel considered important in designing and delivering a high quality academic experience involving blended learning approaches. I exhibit a copy of the review report as **SL/31-INQ000641619**.

107. We published a response to the review panel's report, setting out how the themes identified by the panel relate to our revised regulatory requirements on quality and standards. I exhibit a copy of our response as **SL/32-INQ000641620**.

108. In 2021, we also undertook a review of the policies on spelling, punctuation and grammar in written assessment at a small number of institutions. Our report of that review, published in October 2021, featured anonymised examples of approaches that maintained rigour in student assessment, and examples of approaches that did not and so could give rise to regulatory concern. I exhibit a copy of our report, 'Assessment practices in English higher education' as **SL/33-INQ000641621**.

The Teaching Excellence Framework

109. The Teaching Excellence Framework (TEF) is a national scheme, now operated by the OfS, that aims to encourage universities and colleges to improve and deliver excellence in the areas that students care about the most: teaching, learning and achieving positive outcomes from their studies. The TEF is a desk-based, expert review exercise.

110. The TEF was originally developed by the Department for Business, Innovation and Skills and later DfE, and ran for three rounds of assessment from 2017 to 2019. Participation was voluntary, open to universities and colleges across the UK, and over 300 institutions took part over the three rounds. The OfS adopted the TEF in 2018.

111. In 2021, we extended existing TEF awards while we developed proposals for a new approach, taking account of recommendations in Dame Shirley Pearce's independent review of the TEF, the government's response to that review and the findings of our own subject-level TEF pilots. The extension of existing TEF awards was, therefore,

not directly related to the pandemic. We implemented our new approach, TEF 2023, in late 2022 following a public consultation on our proposals.

112. The TEF 2023 exercise assessed and rated universities and colleges for excellence above the requirements for quality set out in our B conditions. Universities and colleges received an overall rating as well as two underpinning ratings – one for the student experience and one for student outcomes.
113. The TEF has three ratings categories signifying increasing degrees of excellence above our quality requirements:
- a. **Bronze:** The student experience and student outcomes are typically high quality, and there are some very high quality features.
 - b. **Silver:** The student experience and student outcomes are typically very high quality.
 - c. **Gold:** The student experience and student outcomes are typically outstanding.
114. A university or college receives a lower category of 'requires improvement' if it has not shown sufficient evidence of excellence above our quality requirements. We may decide to engage with an institution further where the TEF exercise suggests that it is not meeting some or all of our quality requirements.
115. The TEF 2023 panel, which was made up of academics and students, conducted the assessments and made decisions about ratings. The panel considered a combination of evidence sources: evidence submitted by the university or college, evidence submitted by its students (where available), and numerical indicators we produce from national datasets. The indicators are benchmarked to show how well the university or college performs for its particular mix of students and courses.
116. When assessing the student experience aspect and the student outcomes aspect of the TEF, the panel looked for specific things. We call these 'features of excellence'.

117. After awarding a rating for each aspect, the panel decided the overall rating. If the university or college received the same rating for the two aspects, the overall rating would be the same. If it received different ratings for each aspect, the panel made an overall 'best fit' decision, taking into account all of the evidence. Assessments were conducted by a panel with expertise in learning and teaching and experience of representing students.

118. Broadly, universities and colleges registered with us that have at least 500 undergraduate students must participate in the TEF. Other institutions in the UK can participate voluntarily. Of the 227 universities and colleges in England that took part in TEF 2023, 51 were rated Gold, 125 were rated Silver, 48 were rated Bronze and three received a 'requires improvement' rating.

119. We have published the outcomes of TEF 2023 on our website, including the submissions from universities and colleges, and from their students. The student submissions alone provide a rich source of information about student experiences during the pandemic.

Protecting the rights of higher education students as consumers

120. Students are consumers, and consumer protection law continued to apply throughout the disruption caused by the pandemic. We regulate consumer protection matters through our C conditions of registration. These include requirements for institutions to have due regard to relevant consumer law guidance in developing their policies, procedures and terms and conditions.

121. Many of the concerns that students raised with us during the pandemic had a consumer rights focus. Students complained of a higher education experience that bore little resemblance to the one they had signed up for. While we were keen to hear about students' experiences to inform our work on consumer protection, we did not, and do not, have the power to intervene in a dispute between a student and their university or college. As I note above, that is the role of the OIA. Nor did we, or do we, have direct consumer law enforcement powers. That falls to the Competition and Markets Authority.

122. We published guidance in June 2020 (updated in January 2021) for universities and colleges about consumer protection during the pandemic. We expected universities and colleges to give students clear information about changes to their courses as a result of the pandemic. Prospective students should be given clear and timely information (including on course changes) so that they understood what might be delivered in different scenarios of COVID-19 restrictions and could therefore make informed choices about where and what to study. I exhibit our guidance as **SL/34-INQ000641622**.

123. We still expected universities and colleges to have fair and transparent terms and conditions, and to give students access to clear and fair complaints processes, flexed to reflect the disruption caused by the pandemic.

124. In more normal times, we would be likely to have regulatory concerns about an institution not delivering courses as advertised. However, we adapted our approach to reflect the unprecedented circumstances of the pandemic. We told the sector that we did not intend to take regulatory action unless we became aware of either:

- a. Practices that seemed to show significant disregard for the Competition and Markets Authority guidance on consumer protection in higher education.
- b. A significant breach of consumer protection law that had not flowed from necessary action to comply with public health advice, or where we considered that reasonable efforts had not been made to protect the interests of students.

125. Our guidance was clear that universities and colleges must continue to consider their own legal obligations. Nothing in our guidance prevented action being brought for any alleged breach of consumer law.

126. We wrote to all universities and colleges on 14 January 2021 asking them to undertake a review of their compliance with consumer law and provide assurance to their governing body of ongoing compliance with our regulatory requirements. We asked institutions to report to us if their review identified potential compliance risks. I exhibit a copy of that letter, together with a letter from the then universities minister

to the OfS setting out the government's expectations which was appended to that letter, as **SL/34a** **INQ000652069**. Where we had concerns because, for example, of information sent to us by an institution or by students, we engaged with the institution concerned, in around five cases asking for further information. We also engaged with the Consumer Markets Authority on some issues .

127. In late 2022, we entered into a new partnership with National Trading Standards ('NTS') under which we are able to refer cases that raise consumer protection concerns, to bring about compliance with consumer law. This arrangement with NTS provides an enforcement mechanism to support our regulatory requirements which require institutions to have 'due regard' to relevant consumer law guidance. We have published case studies on our website of matters that we have referred to NTS, some of which arose out of engagement with the institutions concerned during the pandemic. A theme in some of our published case studies is terms and conditions that gave the institution an unreasonably wide discretion to alter aspects of their courses.

128. Our pandemic guidance on consumer protection matters remained in place until May 2022, when we withdrew it as COVID-19 restrictions had reduced considerably, and the sector started to return to a more normal environment. Our experiences of regulating in this area during the pandemic have informed our thinking about the need to develop our regulatory tools on consumer protection. I consider that issue in more detail in Section E: Lessons learned.

Financial vulnerability of universities and colleges

Monitoring the financial sustainability of the sector

129. In the early months of the pandemic, we had real concerns that some universities and colleges would not be able to survive. We did not know whether UK students would want to defer their places for 2020-21, or whether international students would want to, or be able to, travel to the UK to study. Either of these scenarios would have placed unprecedented pressure on the finances of individual institutions, including some that would not ordinarily be of concern in relation to financial sustainability.

130. Throughout the pandemic period, we worked closely with universities and colleges to protect students' interests. We carefully monitored institutions' actual student numbers against their forecast numbers, through the end of the 2020 admissions cycle and the following admissions cycles. We reviewed annual financial information that institutions were required to send to us, including through an interim targeted data collection in October 2020 to give us early sight of institutions' expected year-end position for the financial year ending in 2020. We engaged with individual institutions where we were concerned about their financial position.
131. We worked closely with the government to ensure that support from the Treasury, including access to business loans, was available to those that needed it. In practice, universities and colleges largely sought financial support from their own banks, independently of government loan schemes. We understand that one driver for this was some complexity relating to eligibility for some of the schemes and their cost.
132. In fact, many universities and colleges weathered the storm of the pandemic remarkably well in terms of their finances. Our analysis of the interim financial data returned by universities and colleges at the end of October 2020, which we published in December 2020, found that the aggregate financial position of institutions registered with the OfS was generally sound. In part, this reflected stronger overall student recruitment in 2020-21 than many had been predicting, including in relation to international students. I exhibit a copy of this analysis as **SL/35-INQ000641623**.
133. We published further aggregate analyses of the financial position of universities and colleges in June 2021 and in June 2022. I exhibit these analyses as **SL/36-INQ000641624** and **SL/37-INQ000641625** respectively. In each year, our analysis showed that universities and colleges had continued to withstand the financial impact of the pandemic and were in good shape for sustainability in the future. However, we highlighted the risks of overreliance on income from international students even at that time. The financial challenges that universities and colleges continue to face have been well documented by the OfS since then.

Targeted student protection arrangements

134. While many of the potential financial risks to universities and colleges posed by the pandemic did not materialise, our experiences during that period highlighted the importance of being able to intervene robustly should an institution be at risk of becoming insolvent.
135. In spring 2021, following a public consultation, we introduced new targeted arrangements (general ongoing condition C4) allowing us to intervene quickly to protect the interests of students where a university or college is at material risk of ceasing delivery of higher education. Under these arrangements, we can issue a student protection direction to an institution, requiring it to implement a detailed plan to protect its students.
136. While these measures were introduced in part as a response to the pandemic, that was not the only reason for their introduction. Risks relating to an institution leaving the higher education market exist irrespective of the pandemic, and condition C4 remains an important part of our regulatory toolkit. It is set out in our regulatory framework exhibited as **SL/01-INQ000641588**.

Maintaining the stability and integrity of the higher education sector

Use of unconditional offers

137. By the middle of January 2020, over 568,000 prospective students had already applied through UCAS to start university or college in the autumn. Only a couple of months later, these and many more applicants found their schools and colleges closed, their exams cancelled, and opportunities to visit their potential campuses withdrawn because of the pandemic. I exhibit a copy of relevant UCAS data as **SL/38-INQ000641626**.
138. As we entered the first national lockdown, we saw some universities and colleges seeking to change large numbers of existing conditional offers (conditional on applicants achieving certain grades in A-level or equivalent exams in summer 2020)

to unconditional offers (those with no, or very low, entry requirements at A-level or equivalent). Those institutions may have hoped to increase their intake of UK undergraduate students, to compensate for potentially lost income should fewer international students come to the UK because of COVID-19 travel restrictions.

139. We and the government were concerned that should such activity become widespread, it could undermine the credibility of the revised A-level requirements for 2020 and lead to a disorderly admissions process. Some universities and colleges would have substantially increased their numbers of UK students at the expense of others. This could have increased choice for students able to study away from home, but at the expense of those with less flexibility, for example those needing to commute to university from home because of caring responsibilities. It could also have caused sudden and significant drops in forecast student numbers for some universities and colleges, giving them little time to replan or downsize, and contributing further to their financial vulnerability. This could have led to the sudden insolvency and closure of universities and colleges, which would not have been in the interests of their current students or those still intending to study there.

140. While many students may have welcomed the certainty of an unconditional offer in the face of a highly disrupted exam period, such offers may have induced them to accept courses that might not meet their needs or be in their long-term interests.

141. On 23 March 2020, the government announced a moratorium on unconditional offer-making, to bring some stability to the sector and combat the risks highlighted above. I exhibit a copy of the government's announcement of 23 March 2020 as **SL/39-INQ000641627**.

142. The moratorium was extended several times, during which we developed proposals to prevent universities and colleges from engaging in conduct that, in our view, could reasonably be expected to have a material negative effect on the stability or integrity of the English higher education sector.

143. In July 2020, we introduced regulatory requirements that expressly prohibited any university or college from making 'conditional unconditional' offers to UK students,

where the 'unconditional' element was conditional on the student making the institution their first or only choice. Other unconditional offers to UK students could breach the requirements if they could materially affect the stability and integrity of the English higher education sector. Institutions could continue to make unconditional offers to UK students who already had A-level or equivalent qualifications, and contextual offers with lower grades to applicants from underrepresented groups. I exhibit a copy of those regulatory requirements as **SL/40-INQ000641628**.

144. The new requirements were implemented specifically to manage the extraordinary circumstances associated with the pandemic, and at the time they were implemented it was already apparent that those circumstances were likely to persist well into the 2020-21 academic year. Our requirements were therefore focused on the particular context of the pandemic and were in place for a limited period to 30 September 2021. They ceased to apply on that date, by which time we had started to return to a more normal regulatory environment.

145. Fair admissions have continued to feature prominently in public debate in recent years. When the pandemic took hold in March 2020, we paused our consultations to reduce burden on the sector. This included our admissions review. In the event, we did not reopen that review. Much of it was superseded by other work, such as by the government, UUK and UCAS on exploring post-qualification admissions, and by the government and UUK on the use of recruitment agents.

Part D: Impact on students

146. The Inquiry indicates that it wishes to understand the impact of the pandemic on various aspects of students' lives, and has asked the OfS to give its view on that impact. Some of those areas, for example student accommodation and the provision of practical support to those living in institution-owned accommodation, do not fall within our regulatory remit. Where we nevertheless have insights into the experiences of students in relation to those matters, I have shared them in this witness statement.

147. More generally, I have considered 'impact' in two different ways. First, in relation to the experiences that students have reported to us. Second, in relation to student

outcomes; whether students completed their course, whether they achieved a good qualification and whether they progressed to work or further study after graduating.

Listening to students' views

148. We seek to regulate in the interests of students. To enable this it is vital for us to hear and understand students' views. This was particularly important during the pandemic, when students were experiencing significant disruption on an ongoing basis. Through 2020 and 2021, we sought opportunities to understand students' experiences and how the disruption had affected them. Those experiences reflect the diverse nature of the higher education student population. While there are themes, highlighted in student polls and surveys discussed below, different groups of students were not affected equally. And individual students within each group will have had different experiences at different universities and colleges.

149. Nevertheless, understanding those themes, together with issues that individual students raised with us through our notifications system, helped to shape our regulatory response during the pandemic. The areas on which we focused – maintaining quality through the move to digital learning, changes to courses and consumer rights, support for students facing digital poverty and other challenges – were shaped by what we heard from students.

Advice and guidance

150. Students and prospective students had numerous sources of information to support them to navigate the challenges of the pandemic; for example, their individual institutions, student representative bodies both within their institutions and nationally, UCAS and Discover Uni. Discover Uni is an official source of information about higher education across the UK, owned and operated by the UK higher education funding and regulatory bodies, including the OfS.

151. In 2020, the OfS was a new regulator, still developing students' understanding of our role. We would not have been the first port of call for many students seeking information. However, we took the view that we still had an important role to play.

152. From mid-March 2020, we published student-facing frequently asked questions (FAQs) to support current and prospective students' understanding of what they could expect from their university or college. We included links to the government's guidance for students. We used intelligence from student polling, notifications from individual students and information from the NUS and our own student panel to update the FAQs throughout the pandemic. As time passed, we began to group the questions into themes (the largest of these being 'Teaching, learning and assessment' and 'Health, wellbeing and support'), with a supplementary page relating to consumer protection for students. I exhibit a transcript of the FAQs as at April 2022 as **SL/41-INQ000641629**.

153. We worked with universities, colleges and other stakeholders to produce a series of themed briefing notes on the steps universities and colleges were taking to support students and prospective students during the pandemic. These focused on sharing ideas and good practice, and signposting further information. The nine published briefing notes were:

- Note 1: Student accommodation (22 April 2020) – I exhibit this as **SL/42-INQ000641630**.
- Note 2: Supporting student mental health (30 April 2020) – I exhibit this as **SL/43-INQ000641631**.
- Note 3: Students without family support (14 May 2020) – I exhibit this as **SL/44-INQ000641632**.
- Note 4: Supporting international students (21 May 2020) – I exhibit this as **SL/45-INQ000641633**.
- Note 5: Information, advice and guidance for prospective students (10 June 2020) – I exhibit this as **SL/46-INQ000641634**.
- Note 6: Postgraduate research students (11 June 2020) – I exhibit this as **SL/47-INQ000641635**.
- Note 7: Graduate students – Getting into employment (18 June 2020) – I exhibit this as **SL/48-INQ000641636**.
- Note 8: Disabled students (25 June 2020) – I exhibit this as **SL/49-INQ000641637**.

- Note 9: Supporting disadvantaged students through higher education outreach (9 July 2020) – I exhibit this as **SL/50-INQ000641638**.

154. I have summarised some of the issues explored in these notes in the following sections.

Entry to higher education

A-levels in 2020 and 2021

155. Following the cancellation of GCSEs, A-levels and their equivalents in 2020, Ofqual consulted on and implemented a standardisation process for results. On 13 August 2020, students received their A-level results as calculated under Ofqual's standardisation process. However, on 17 August, the government and Ofqual announced that as Ofqual's standardisation algorithm had revealed 'a number of unanticipated anomalies', they had agreed to revert to the grades that schools and colleges assessed students were most likely to have achieved, had exams gone ahead. I exhibit a copy of the government's announcement of 17 August 2020 as **SL/51-INQ000641639**.

156. These students were therefore reissued their results using centre assessment grades. However, if students' calculated grades were higher than the centre assessment grade, their calculated grade stood. This saw a significant increase, from 2019, in the percentage awarded the highest grades. These increases were unevenly distributed, with numbers of pupils in independent schools with A and A* grades increasing by more than the increase overall. We considered schools, attainment and the role of higher education in an Insight brief published in April 2022. I exhibit a copy of that brief as **SL/52-INQ000641640**.

157. Following the change to how A-level results were awarded for 2020, some universities and colleges had more applicants who had met the terms of their offers than places. UCAS analysis showed that this applied to approximately 15,000 students.

158. We worked closely with DfE throughout this period, to ensure that as many students as possible could take up their places. We encouraged universities and colleges to

do all they could to ensure that students did not miss out on their first-choice course. Where a course did not have the capacity to offer a place to a student, we encouraged the institution to discuss reasonable alternatives, such as a place on another course, or on the same course the following year.

159. In June 2020, the government announced temporary student number controls for 2020-21, which aimed to ensure a fair, structured distribution of students across universities and colleges. I exhibit a copy of the government's policy paper of June 2020 (updated in August 2020) as **SL/53-INQ000641641**. The government removed those controls in August 2020. It also lifted the cap on places for UK students in medicine and allied health professions, and undergraduate teacher training and provided OfS teaching grant funding for 2020-21 to assist with the higher costs associated with the increased capacity in those and similar subjects.

160. The summer of 2021 saw the cancellation of A-levels for the second year, with students receiving A-level (and equivalent) grades based on a process of teacher or centre assessment of performance. This saw a further increase from 2020 in the percentage awarded the highest grades, again with the percentage increase for pupils from independent schools being higher than the increase overall. The government again provided additional funding, distributed through the OfS, to support universities and colleges that had taken on additional undergraduate students studying high-cost subjects, with subjects such as medicine and allied health professions being a priority.

Numbers entering higher education in 2020 and 2021

161. The total number of UK-domiciled young people (25 years and under) entering full-time undergraduate higher education increased by 14,000 in 2020-21 and 3,500 in 2021-22, before declining in 2022-23. This is likely to have been due to a combination of factors, including those associated with the pandemic such as the growth in places in medicine, nursing and allied health professions, and the changes to the calculation of A-level (and equivalent) grades referred to above.

162. However, as a proportion of all students entering full-time study, the participation rate for those aged 25 years and under decreased over this period because of an increase in the number of mature students.
163. Although the actual numbers of entrants, including those in the most underrepresented groups, increased in both 2020 and 2021, these increases benefited more of those whose background made them more likely to attend university in the first place. Among students from those groups most underrepresented in higher education, 6.1 per cent gained places at the most selective universities in 2021. Proportionally this was a 12.7 per cent increase on the rate in 2020, but it was accompanied by a similar increase in the proportion of students entering these universities from the areas with the highest representation. Since the former numbers are still small in absolute terms, this means that the increase in headcount was larger among the more advantaged pupils. And since graduates from these universities are more likely to access professional careers, report higher life satisfaction and earn higher salaries, this disparity will continue to have an impact on the lives of these students. I have exhibited a copy of our Insight brief on schools, attainment and the role of higher education as **SL/52-INQ000641640**.

Changes in the delivery of teaching

164. We commissioned the student marketing consultancy Natives (later called Net Natives) to conduct a poll of students in July 2020, asking questions relating to higher education during the national lockdown, and factors affecting students' ability to participate. We used the outcomes of this polling to inform our policy development and regulatory approach. We have not previously published this information.
165. The poll aimed to gain a better understanding of the impact on different groups of students of the measures taken to prevent the spread of the virus on the quality of teaching and assessment. It was also intended to provide a snapshot of students' experiences of teaching, learning and assessment during the lockdown, to help inform our regulatory work.

166. In total, 1,416 undergraduate and postgraduate students were polled. Over two-thirds of respondents reported that their learning had been adversely affected by difficulties in finding a quiet space to study. Over half mentioned inadequate internet connectivity, and one in five had trouble accessing a computer at all. More than half believed their learning was damaged by lack of access to appropriate online materials. A third were unsatisfied with the quality of teaching on their course, and more than a quarter believed that their university had not made its approach to assessment clear. I exhibit excerpts from the text, tables and figures of the poll as **SL/54-INQ000641642**.

167. For completeness, I note that we commissioned Net Natives to carry out a second poll in 2021. However, we did not rely on the draft findings and the report was not finalised or published.

168. We commissioned YouGov to carry out two online surveys for our digital teaching and learning review, the report of which I have exhibited as **SL/30-INQ000641618**. The surveys, carried out in November and December 2020, asked 1,285 students and 567 teaching staff how the pandemic had affected teaching in higher education and had changed attitudes to digital teaching and learning. Two-thirds of students said they were content with their digital teaching, and a similar proportion said that their teaching was in line with their expectations, although almost half said they had not been asked for feedback on it. Among staff, only one in five was 'very confident' that they had the skills to design and deliver digital teaching and learning; nearly half the students were confident that they had the skills to benefit from it.

169. As I note above, we did not change the core questions in the NSS 2021. However, we included six topical questions on the pandemic and its impact on the student experience, with the same response scale as the core questions (a Likert scale from 'strongly disagree' through to 'strongly agree'):

- c. I have received useful information about changes to my course from my university or college during the COVID-19 pandemic.

- d. I have received timely information about my course from my university or college during the COVID-19 pandemic.
- e. My university or college has taken sufficient steps to support my mental wellbeing during the COVID-19 pandemic.
- f. My university or college has taken sufficient steps to protect my physical safety from the virus during the COVID-19 pandemic (e.g. providing protective equipment such as masks, social distancing on campus, offering distance learning opportunities).
- g. I am content with the delivery of learning and teaching of my course during the COVID-19 pandemic.
- h. I have been able to access the learning resources I need (lecture notes, course materials, journals, [virtual learning environment]) for my course during the COVID-19 pandemic.

170. We discussed the results in detail in our Insight brief published in July 2021. I exhibit a copy of that Insight brief **SL/55-INQ000641643**.

171. The responses to the six COVID-19 questions showed that nearly four in five students across the UK agreed that their institution had taken sufficient steps to protect their physical safety during the pandemic, but only slightly more than two in five said the same about their mental wellbeing. Nearly four in five felt that during this time they had had sufficient access to learning resources, but less than half were content with the delivery of learning and teaching on their course. Nearly three-quarters said that the information their institution had provided about changes to their course had been useful, while nearly two-thirds said it had been timely.

172. On the core questions in the NSS 2021, the agreement rate for all scales had fallen since 2020, disrupting a previously stable time series. The decline was particularly marked for the 'learning resources' scale, which had fallen by 12.2 percentage points, to 73.6 per cent (this increased to 81 per cent in the NSS 2022, perhaps as face-to-

face teaching resumed for most courses). The 'learning community' scale had also fallen sharply from 75.7 per cent to 66.5 per cent. Each of those scales was made up of questions which could statistically be shown to be part of the 'scale'. For example, the 'learning resources' scale included questions about how well different resources and facilities had supported learning.

173. We sought voluntary student submissions as part of our monitoring of access and participation plans for 2019-20. (I have exhibited our report as **SL/07-INQ000641595**.) Those submissions provided a rich source of information on students' experiences during the pandemic. Online teaching and learning seem to have benefited commuter students, mature students and those with caring responsibilities. However, students from lower-income backgrounds, who were more likely to be affected by digital poverty were often less able to access online teaching. Some disabled students benefitted from additional communication channels with their institutions, while others reported feeling isolated from the student community.

174. Many students reported that communications from universities and colleges had not always been timely or clear. However, students also provided good examples of effective engagement with their institutions, through a range of channels. Many students were involved in the pandemic response as students' union officers or student representatives, including implementing hybrid teaching and learning where this was permitted, and enabling libraries and laboratories to allow access in accordance with government public health guidance.

Changes made to student accommodation and other facilities

175. As I have explained above, we did not require individual universities and colleges to give us detailed information about their move to online teaching, closure of facilities and the practical support being offered to students who remained on campus, in those early months of the pandemic. The provision of that support was a matter for an individual institution, and not for the OfS. The move to online learning happened very quickly, and across the sector, in response to government guidance, public health advice and COVID-19 restrictions. Nor did we require institutions to tell us when campuses began to reopen in the later stages of the pandemic. The burden on

institutions to report that information, in an environment that was constantly changing, was likely to have outweighed its regulatory usefulness.

176. It was not for the OfS to prescribe how universities and colleges should comply with government guidance, public health advice and COVID-19 restrictions, or to monitor that compliance. Nor was it our role to ensure students understood or complied with relevant guidance on self-isolation and other COVID-19 restrictions. Students are adults, albeit young adults in many cases. We built a picture of what was happening in universities and colleges through other means, including through the engagement with sector and student representative bodies, student surveys and polling referred to above.

177. While we did not collect data across all universities and colleges, we were keen to highlight examples of good practice of support offered to students, for others to learn from. During the first national lockdown, some students, such as those without family support or international students who could not travel home, remained on campus. In May 2020, we published a briefing note highlighting the challenges faced by students without family support and highlighting some of their support needs, together with good practice examples of support being offered by some institutions. I have exhibited a copy of the briefing note as **SL/44-INQ000641632**.

178. The OfS does not have regulatory responsibilities in relation to student accommodation. We do not routinely publish data about student accommodation. However, the designated data body does collect data on whether or not a student's term time accommodation is owned by their institution.

179. The table that follows shows the number of students living in institution-owned accommodation each year from 2018-19 to 2021-22 (the years that the Inquiry has asked us about). The data includes full-time students studying at a UK institution (not just in England), whether undergraduate or postgraduate, in all years of study. The data is not collected for part-time students, nor for students mainly studying in a different country. Further education colleges are not included in the scope of this analysis, nor are more recent higher education institutions that were not required to

report data on the Legacy HESA Student Record. Numbers are rounded to the nearest five.

Academic year	Number of full-time students in institution-owned accommodation	Total number of full-time students with known accommodation type	Total number of full-time students	% in institution-owned accommodation (of those with known accommodation type)
2018-19	352,455	1,829,030	1,906,485	19.3%
2019-20	361,700	1,892,115	1,972,490	19.1%
2020-21	279,365	1,699,980	2,106,405	16.4%
2021-22	310,340	1,874,260	2,193,460	16.6%

180. We did not require universities and colleges to tell us whether their student accommodation remained open, and if so how many students lived there, during specific periods during the pandemic. The data above does not tell us how many students were actually occupying their accommodation, and during which periods, in the years in question.

181. From anecdotal information, we understand that many UK and international students remained in their termtime accommodation during the periods of lockdown. This included institution-maintained and privately rented properties. For some UK students, such as care-experienced students, there was no other option. Some international students had been unable, or reluctant, to return home given travel restrictions. Our briefing note (exhibited as **SL/42-INQ000641629** and referred to below) refers to a Higher Education Policy Institute poll of 1,000 undergraduate students, at the end of March 2020, which found that around 45 per cent of respondents were still living at their termtime addresses.

182. We were keen to understand the challenges facing students in relation to accommodation, to inform our broader understanding of the impact of the pandemic on students. In April 2020, we published a briefing note on student accommodation issues, which summarised those challenges. We noted that students who stayed in termtime accommodation faced uncertainty about whether their tenancy would be extended, prompting fears of eviction. They also faced challenges in accessing

medicines or food when self-isolating, as well as coping with the isolation of near-deserted campuses with limited access to outside spaces. Those who returned to their family homes faced worries about access to their belongings and whether they would have to pay for accommodation they were no longer using. I have exhibited that note as **SL/42-INQ000641630**.

183. In her letter of 20 March 2020 to universities and colleges, which I have exhibited as **SL/16-INQ000641604** the minister stressed the importance of support for those students remaining on campus. Our 2021 Annual review highlights that many universities and colleges supported their students by distributing hardship funds, providing essential supplies, running online events, strengthening student networks, and extending accommodation leases. I exhibit a copy of our 2021 Annual review as **SL/56-INQ000641644**. I have described in an earlier section of this witness statement, the hardship funding from the government that we distributed to support students facing additional accommodation costs.

184. However, many students were not able to access their termtime accommodation because of national and local lockdowns and some staged rent strikes to secure rebates. Some landlords mitigated this by offering discounts or extending contracts into the summer holidays. We discussed these issues in our 2021 Annual review, exhibited as **SL/56-INQ000641644**. I also exhibit information from a national student accommodation survey undertaken by an external party in 2021 as **SL/57-INQ000641645**.

Student mental health

Challenges facing students

185. During the pandemic, students' lives changed dramatically, and it is likely that all students faced additional challenges. They may have contracted the virus themselves, had caring responsibilities for friends and family who fell ill, or suffered bereavement because of the virus. They may have struggled to learn remotely, or had financial problems because they lost their part-time jobs or faced additional accommodation costs. Some of them were contributing to the frontline effort in hospitals across the country. Those who were still in purpose-built student

accommodation may have had concerns about health risks of sharing communal areas. Students in their final year faced looking for a job at a time of great economic uncertainty. Postgraduate students may have had to pause their research activity. It is little surprise that so many students report that their mental health and wellbeing were affected during the pandemic.

186. In 2023, we explored data on student outcomes relating to students who had reported to their university or college that they have a mental health condition. I have summarised our findings in the section on 'Student outcomes' below.

Understanding students' experiences

187. We do not impose regulatory requirements for student mental health, and do not directly monitor students' mental health. However, we want all students to have the good mental health and wellbeing that they need to succeed in higher education. We want to help universities and colleges to deliver effective support for their students. Our work during the pandemic included sharing ideas and practices to adapt student welfare interventions and support systems for the pandemic environment, and funding mental health projects in universities and colleges.

188. We explored issues relating to student mental health in a briefing note published in April 2020. I have exhibited that note as **SL/43-INQ000641631**. We explored the ways in which universities and colleges might continue to support the mental wellbeing of their students, by adapting their early intervention and support systems to reflect the new digital world. We discussed how some groups of students, including black and minority ethnic students, disabled students and those without family support, might be particularly exposed to mental health and wellbeing challenges, for different reasons. We highlighted some of the practical steps that individual colleges and universities were taking to support their students.

189. In May 2020, we began to publish case studies on our website of some of the ideas and practices that universities and colleges had put in place to provide mental health support to their students. They included remote counselling support, a virtual drop-in hub, peer support and practices to identify those most vulnerable or at risk. These

had been developed at pace, and we shared them in the spirit of sharing practical ideas, rather than as methods that we endorsed. We updated these case studies throughout the summer of 2020.

190. Mental health and wellbeing were frequently highlighted in submissions from universities and colleges and from students in their monitoring returns in relation to 2019-20 access and participation plans. (I have exhibited our report of the outcomes of that monitoring exercise as **SL/07-INQ000641595**.) Many institutions reflected on the benefits of moving mental health and counselling services online. Some suggested that offering services at extended hours, removing the need for in-person attendance, and the sense of anonymity online services provided, may have led to increased engagement.

191. Students reported experiencing higher levels of mental ill health due to the pandemic. They reported that feelings of loneliness and isolation were widespread as they studied remotely, physically distanced from their peers and friends. Students discussed the challenges facing different groups: for example, some black, Asian and minority ethnic students were reported as finding it difficult to be away from informal communities they had developed on campus. Students also discussed some of the targeted support that their institutions had offered, with a focus on online services, in some cases with trained clinicians available 24-7.

192. In responses to the COVID-related questions in the NSS 2021, only slightly more than two in five students agreed that their institution had taken sufficient steps to support their mental wellbeing during the pandemic. It is clear that many students expected their institutions to have done more to support them through these challenges.

193. Through the pandemic period, we participated in online events with universities, colleges, students and other interested parties, on student mental health issues.

OfS funding

194. Our Mental Health Challenge Programme, which ran from June 2019 to July 2022, funded 10 collaborative projects which brought together over 60 universities, colleges, charities and NHS organisations. We contributed £6 million, with matched

funding of £8.5 million from universities, colleges and partners. I exhibit the executive summary of the externally produced evaluation report of the programme as **SL/58-INQ000641646**. The summary highlights the demonstrable impact that these projects had on students. We had previously published an interim evaluation of the effect of the pandemic on the programme, and I exhibit that report as **SL/59-INQ000641647**.

195. With investment from the Department for Health and Social Care and DfE, the OfS awarded more than £3 million to universities and colleges to identify innovative and collaborative approaches to targeted support for student mental health. The programme ran from 2020 to 2023. I exhibit the executive summary of the externally produced evaluation report as **SL/60-INQ000641648**. The evaluation explores what the programme delivered and contains findings about effective practice.

196. The OfS funded the charity Student Minds to develop an online platform, Student Space, to support students during the pandemic. We provided more than £3 million, with the Higher Education Funding Council for Wales (now known as Medr) providing additional funding to deliver the services in Wales. The platform was developed to respond at a national level to additional pressures caused by the pandemic. It was designed to complement the mental health support already in place through universities, colleges and NHS services in England and Wales. It provided phone, text and web support services for students, educational resources to help students through the challenges of the pandemic as well as signposting to mental health resources in universities and colleges. Student Space continues to provide support for students who may face additional challenges with mental health at university and college.

197. We permitted universities and colleges to use OfS funding to bolster student mental health support, and I have set that out in more detail in an earlier section of this witness statement.

Student outcomes

198. We measure student outcomes in four ways. This involves assessing the extent to which students continue and complete their studies, the degree classifications they

are awarded at the end of those studies, and the type of work they do after they have qualified. We look at outcomes for students overall and broken down by a number of different characteristics, including age, sex, ethnicity and disability, that are protected characteristics under the Equality Act 2010 and used in our core regulatory work. For age, we typically distinguish young students (under 21 years on entry for undergraduates, or under 25 for postgraduates) from mature students, though more detailed age groups are also reported. We also look at outcomes for students with differing levels of individual disadvantage or area-based underrepresentation in higher education. We do not hold data on students with clinical vulnerabilities or special educational needs and disabilities, but we do hold and report data on students reporting disabilities in broader terms. We publish sector-level trends in student characteristics outcomes data each year, in our student characteristics outcomes data dashboard on our website.

199. In September 2024, we published a report on how student outcomes had changed between 2010-11 and 2022-23. The report sits alongside the student characteristics outcomes data dashboard referred to in the previous paragraph. The report covers full-time first degree students who are either taught or registered by a university or college that is registered with the OfS. We chose this population because the largest number of students fall into this category, though the data dashboards cover the whole student population taught or registered at OfS-registered universities and colleges. I exhibit the student outcomes report as **SL/61-INQ000641649**. I have set out some key findings from the report below.

200. The sector-level trends reported in the key findings in the report include data up to the 2022-23 academic year. Changes in these statistics may be influenced by the impact of the pandemic. For example:

- a. Any changes to the structure of learning and assessment during this time could have affected students' decisions. It may have had an impact on whether and how they might choose to register on higher education courses, and on whether they continued with their studies.

- b. Many universities and colleges registered with us introduced a 'no detriment' policy in the 2019-20 and 2020-21 academic years. This typically ensured no student would be awarded a final grade lower than the most recent assessment of their attainment. This may have affected attainment rates in 2019-20 and 2020-21 and I have discussed this further below.
- c. The pandemic could also have affected outcomes across all stages of the student life cycle in these years – for example because of economic effects, changes to the assessment system and changes in learning methods before university or college during the pandemic.

201. However, changes seen in the data since 2019-20 should **not** automatically be interpreted as having been caused by the pandemic. Other causal factors, such as actions by a university or college, or the individual motivations or experiences of a student, may also have contributed to these changes.

Continuation: Full-time first degree students

202. Continuation rates measure the proportion of entrants who were continuing in the study of a higher education qualification one year and 15 days after they started their course.

203. Overall, since 2010-11, continuation rates for young entrants (under 21 years of age on entry) were relatively consistent until 2019-20 and have since begun to decrease.

204. For all ethnicities, the continuation rate in 2021-22 is the lowest across the time series. This is measuring the proportion of students who started their studies in 2020-21, who were continuing to study (i.e. had not left their course) in 2021-22.

Completion rates: Full-time first degree students

205. Completion rates measure the proportion of entrants who gained a higher education qualification (or were continuing in the study of a qualification) four years and 15 days after they started their course.

206. Across the entire time series (academic years of entry from 2010-11 to 2018-19) completion rates for young students (under 21 years of age on entry) remained higher than for mature students. Rates have remained within two percentage points for young students, with only a slight decline since 2012-13.

Attainment: Full-time first degree students

207. Attainment measures the proportion of qualifiers who achieved a first or upper second class degree.

208. The proportion of students awarded these grades rose steadily from 2010-11 to 2018-19, rising more sharply in 2019-20 to reach its peak in 2021-22. I refer above to the use of 'no detriment' policies in 2020-21 and 2021-22. They may have exacerbated a preexisting problem with grade inflation.

209. Our guidance on quality and standards, which I have exhibited as **SL/29-INQ000641617**, recognised that universities and colleges may have introduced 'no detriment' policies. We stressed the importance of institutions maintaining academic standards, while recognising the need to acknowledge the huge disruption that students had faced.

210. However, as the pandemic began to recede in 2022, we were clear that the increase in attainment levels could not be accepted as the new normal. In our view, that would let down students, devalue the credibility of degrees and fail wider society, including employers, by making it hard to judge the real success of graduates. If the credibility of qualifications is called into doubt, they become less useful and effective in supporting students from disadvantaged and minority backgrounds to make their way in their chosen careers. When the rigour of assessment is uncertain, there is potential for longer-term outcomes to rely instead on subjective factors and advantages derived from background.

211. In 2022, universities and colleges themselves started to recognise that grade inflation was a real issue. Through the work of their sector representative groups, they indicated an intention to return the levels of classifications awarded to students before

the pandemic. We launched our first investigations into the credibility of awards and these are ongoing.

212. In 2022-23, the proportion of students achieving a first or upper second class honours degree reduced, to be more in line with their pre-pandemic levels in 2018-19. We and the sector recognise that there is still more to do to ensure that the credibility of degrees is secured.

Student progression

213. Progression rates measure the proportion of qualifiers who reported a positive outcome (progression to managerial or professional employment, or further study or other positive outcomes) 15 months after they left higher education, in their responses to the Graduate Outcomes Survey run by the designated data body.
214. The progression rate for young qualifiers (under 21 years on entry) in 2021-22 was 1.7 percentage points lower than that for mature qualifiers. There is some fluctuation in the rates for young qualifiers, but it has remained lower than for mature qualifiers across the time series of 2017-18 to 2021-22.
215. In its insight report published in June 2022, Jisc (now the designated data body) considered the impact of the pandemic on the graduate outcomes data of 2019-20 qualifiers. This was based on their responses to the Graduate Outcomes Survey conducted between December 2020 and September 2021. Jisc concluded that the data painted a picture of a graduate experience that had been changed by COVID-19, but not beyond recognition or as much as might have been expected in the first months of the pandemic. Jisc noted that the data showed a cohort of graduates who were working or studying at rates that were not far off those seen among those who had qualified in 2017-18 and were surveyed before the pandemic began, despite the challenges of the pandemic period. I exhibit a copy of Jisc's insight report as **SL/62-INQ000641650**.

Students who reported a mental health condition

216. In 2023, we explored data relating to students who had reported to their university or college that they had a mental health condition. We considered the outcomes and makeup of this group in terms of a small set of other characteristics, including age and some measures of disadvantage. Our report includes some caveats, including in relation to the mental health conditions that may and may not be captured in the data. I exhibit a copy of our report as **SL/63-INQ000641651**.

217. Our data showed that in the 2021-22 academic year, 4.3 per cent of full-time young students (aged under 21 years of age on entry) reported having a mental health condition.

218. Our analysis considered sector-level trends up to the 2021-22 academic year. However, for the same reasons that I have set out above in relation to our wider student characteristics outcomes data, changes in this data since 2019-20 should not be automatically interpreted as having been caused by the pandemic.

219. The data on attainment rates (the proportion of undergraduate qualifiers who achieve a first or upper second for their first degree) included data for the 2021-22 academic year. Our analysis showed that across the 10-year time series (2010-11 to 2021-22), the difference in attainment rate between students with a reported mental health condition and those without, whether positive or negative, had been close to zero. However, data for the 2021-22 academic year showed that full-time undergraduate students (all ages) with a reported mental health condition had an attainment rate 2.1 percentage points higher than for students who did not. The pattern was the same for both young (under 21 years of age on entry) and mature students who reported having a mental health condition.

220. Our analysis of continuation rates (the proportion of entrants who were continuing in the study of a higher education qualification or had gained a qualification one year and 15 days after they started their course) showed that across the 10-year time series (2010-11 to 2020-21), continuation rates for young students (under 21 years on entry) were lower among those who reported having a mental health condition.

However, this difference narrowed over time, starting at 4.1 percentage points for young entrants in 2010-11 and decreasing to 1.8 percentage points for entrants in 2020-21. The continuation rate for young full-time students who reported having a mental health condition has, overall, been increasing across the 10-year time series, with an exception for entrants in 2020-21, following a larger than usual increase between 2018-19 and 2019-20.

221. We also explored completion rates – the proportion of entrants who gained a higher education qualification or were continuing in the study of a qualification four years and 15 days after they started their course (six years and 15 days for part-time students). The completion rate for all full-time undergraduate students starting in 2017-18 (and so completing in 2021-22) was 87.9 per cent. For part-time students (starting in 2015-16 and so completing in 2021-22), it was 57.5 per cent.

222. Completion rates were lower for both full-time and part-time students who reported having a mental health condition, compared with those for students who did not. The difference was 5.8 percentage points for 2017-18 full-time entrants, but had reduced by 5.1 percentage points since 2010-11. This is because completion rates for students who reported having a mental health condition increased throughout the time series (academic years of entry 2010-11 to 2017-18), whereas the rates for students who did not have remained stable.

International students

223. Lockdowns and border controls during the pandemic affected the movement of international students, but as I note above, this had less effect on international recruitment than might have been expected. Applications from outside the EU increased in 2021 and held steady in 2022, while those from China and India in particular rose by over 10 per cent between 2021 and 2022.

224. International students faced significant challenges during the pandemic, many of which were not exclusive to them. They, like UK students, experienced feelings of loneliness and isolation, worries about exams and whether they would be able to complete their courses. Those challenges may have been exacerbated for

international students by language barriers and culture differences. Many faced financial hardship and, as international students, were not able to access welfare benefits and local authority housing.

225. Some challenges were directly related to students' international status. Many were not able to return home, because of stringent border controls. Some who did travel home faced periods of quarantine on returning to the UK. Many were worried that their visas would not cover distance learning, or that they might overstay as a result of travel restrictions. In her March 2020 message to students (which I have exhibited above as **SL/09-INQ000641597**) the minister explained the changes that had been made to visa requirements to assuage those concerns. Some international students reported increased racism and xenophobia.

226. We explored these issues, and the practical steps that universities and colleges were taking to support their international students, in a briefing note published in May 2020. I exhibit that note as **SL/45-INQ000641633**.

227. In the 2021 NSS, international students' rates of agreement with questions relating to the extent to which they felt part of their learning community fell significantly. EU students' agreement rates fell from 75 per cent in 2020 to 67 per cent in 2021. There was also a drop in agreement rates from non-EU students – from 77 to 70 per cent – while UK students saw a comparable drop. This is significant, as research demonstrates the particular importance international students place on feeling a sense of belonging at their university or college. The drops were likely to be related to the pandemic.

228. In March 2022, in partnership with DfE and the UK Council for International Student Affairs, we published a call for evidence on the work that universities and colleges were doing to ensure that international students integrated and received a fulfilling experience while studying. We asked specifically how responding to the pandemic had shaped practice in supporting international students. We commissioned LSE Consulting to evaluate the submissions and undertake further research, including a survey targeted at international students from across England and a series of focus groups and interviews with international students and staff at the London School of

Economics and Political Science (where around 70 per cent of students are from outside the UK). The report highlighted the challenges faced by international students during the pandemic. I exhibit the report, which was published in January 2023, as **SL/64-INQ000641652**. Alongside the report, we published further information on our website on effective practice in supporting and improving international students' experiences.

Part E: Lessons learned

229. In Section D above, I have discussed the ways in which the pandemic affected different areas of student life. It is likely that all students faced additional challenges, and their individual experiences will have been as diverse as the individuals themselves. The effect on students' mental health has been well reported. Students have described the struggles they faced in accessing online learning, and the impact that COVID-19 restrictions had on the learning opportunities they had expected – with the closure of labs, studios and libraries, and the cancellation of work placements – and on their wider student experience, with the loss of in-person social and sporting activities. Many faced economic hardship, paying rent for properties they could not live in and losing their part-time jobs as businesses were forced to close during national lockdowns.

230. Many of the changes students experienced during the pandemic were prompted by the actions individual institutions took to comply with government guidance and public health restrictions. However, universities and colleges approached, and students will have experienced, those restrictions in different ways. Our student outcomes data – showing the proportion of students who continued on their course, completed their course and progressed to managerial or professional employment or further study – shows changes during the pandemic period. How and why these changes happened is difficult to untangle. Decisions made by universities and colleges about the structure of teaching, learning and assessment may have affected students' decisions about whether to continue with their studies. However, these decisions will also have been influenced by their personal circumstances, including the wider impact of the pandemic on their lives.

231. Many of the challenges that students faced, as students and more broadly as members of society, did not fall within the OfS's regulatory remit. I have described above our work to highlight good practice in managing issues relating to student accommodation and supporting students who remained on campus during national lockdowns, in a context where these matters were the responsibility of individual autonomous institutions.
232. We did, and continue to, seek to ensure that universities and colleges are appropriately focused on wider student welfare issues. During the pandemic, we highlighted how institutions could support students facing mental health challenges. We funded projects, such as the development of the online platform, Student Minds, and empowered institutions to use OfS grant funding to support their own mental health initiatives. In April 2021, we published a framework for universities and colleges, in preventing and responding to harassment and sexual misconduct, and are soon to bring into force sharper regulatory tools in that area.
233. We know from our experiences of regulating during the pandemic that matters like accommodation and mental health and wellbeing can have a significant impact on students' experiences. Those matters and others, such as the cost of living and harassment and sexual misconduct, featured prominently in our recent engagement with students as we put together our draft strategy for 2025 to 2030. These are areas in which students want us to do more. The draft strategy on which we recently consulted, exhibited as **SL/02-INQ000641590**, committed to meaningful activity in this area, including: gathering insight from students; exploring the barriers that prevent students, particularly those from disadvantaged backgrounds and underrepresented groups, from making the most of their time in higher education; enhancing and protecting students' rights by developing a model consumer contract; and enforcing our new regulations on harassment and sexual misconduct. The presence of these issues in our proposed new strategy is, in part, a consequence of our learning from the pandemic and the issues students raised with us during that period. We expect to publish the outcomes of our strategy consultation, and our final strategy for 2025 to 2030, in autumn 2025.

234. Should there be another pandemic, it is likely that the core regulatory areas on which we focused would remain the same and would remain the right areas for our regulatory attention. During the pandemic, students still wanted high quality teaching. They wanted access to academic support and to the right resources. We focused on the quality and standards of higher education. Students may not always be actively interested in the financial health of their institution, but financial pressures on universities and colleges during the pandemic could have had a profound effect on their experiences. We closely monitored the financial position of institutions. Students faced huge uncertainty about changes to their courses. We set out clear regulatory expectations about how universities and colleges should communicate changes to their students. I have discussed below new consumer protection powers for the OfS which I consider would be an important tool for the OfS to protect the interests of students in the event of a future pandemic. The cancellation of A-level and equivalent examinations in 2020 and 2021 had the potential to destabilise the higher education admissions system, which may have disadvantaged students from underrepresented groups in particular. We rapidly introduced new regulation to stabilise the system.

235. This does not mean that we got everything right. At the very beginning, we should have been quicker to consider the scale of the response that could be required from the government, the sector and society as a whole, and how disruptive the pandemic might be for students. However, by mid-March 2020, our focus was firmly on supporting institutions to protect their students and staff. We then identified our key areas of regulatory focus, which I have referred to above. We understand better now how quickly events can move in a pandemic. Our experiences in this pandemic would lead us to be more forward-looking, and more outward-looking, from the very outset if faced with something similar in the future. I exhibit, as **SL/65-INQ000641653**, a slide-deck of a 'lessons learned' exercise that we undertook during the pandemic.

236. A significant challenge in this pandemic was that no-one really knew how long it would last. We did not know how widely the virus would spread or how long public health restrictions would be in force. We, and universities and colleges, like so many others, made decisions in the context of changing public health advice and guidance.

237. Those challenges were particularly acute when considering how to assess student attainment. We were clear during the pandemic that in awarding qualifications, institutions must continue to assess students' achievement reliably. Our view, expressed in our pandemic guidance on quality and standards, was that each university and college should actively consider whether it could award qualifications where students had not completed all planned requirements, and should do so wherever possible. This was in the face of huge uncertainty about how long the effects of the pandemic would last, and when institutions would be able to return to full face-to-face teaching and assessing. We recognised that students could not be kept in limbo, and that they expected and deserved credit for demonstrating the outcomes of their learning. I have referred above to the use of 'no detriment' policies by universities and colleges, and the increase in the proportion of students awarded a first class or upper second-class degree in the pandemic years. We have reflected since on whether such policies served the best interests of those students, or the sector, in the long term. They may have exacerbated a preexisting problem with grade inflation, which devalues the credibility of degrees, a matter which then affects all students and the credibility of their qualifications. While the proportion of students achieving a first-class or upper second class degree has since returned to pre-pandemic levels, there is still more to do to ensure that the credibility of degrees is maintained. In any future pandemic we would want to prevent a repeat of the pattern we saw in degree classifications, although we recognise there are no easy answers for students or institutions here.

238. We also learnt lessons as we went along. The concerns that students raised with us about their teaching and assessment during the pandemic caused us to reflect on how we regulate quality. We began to recognise that the market mechanisms of student choice and competition were not consistently delivering high quality courses for all students, and that the way we had expressed our requirements in conditions of registration did not provide an adequate platform for addressing the sort of issues we could see across the sector. I have described above how we reformed our regulatory requirements for quality in 2022, to allow us to intervene more robustly where universities and colleges do not deliver high quality courses.

239. In parallel, we have also developed new approaches to quality assessment. It is likely that we would have developed our approach if the pandemic had not happened. But it provided impetus for our thinking about how we could best identify potential issues in an institution and deploy the right expertise to properly test those concerns. We now routinely monitor regulatory intelligence – such as student outcomes data, student experience data including NSS scores, and concerns that students have raised – and have tested the regulatory mechanisms for assessment and investigation of concerns.

240. It remains the case that the OfS is not an inspection body, routinely inspecting every registered institution. We continue to operate in risk-based way, focusing our attention on institutions that may present increased regulatory risk.

241. Universities and colleges are communities, where people live and work as well as learning and undertaking research. In the early months of the pandemic, and given the public health restrictions affecting every aspect of life within those communities, it is difficult to see how universities and colleges could have maintained in-person teaching and kept their facilities open. We do not underestimate the difficulties in, for example, providing an online alternative to experiments conducted in a science or engineering lab, to practical experience on a hospital ward or in a primary school classroom, or to an ensemble dance or theatre production. Many universities and colleges showed huge creativity in seeking to navigate those challenges.

242. Our revised requirements for quality and standards were informed by our major review of the transition to digital learning during the pandemic. I have exhibited the report of that review as **SL/30-INQ000641618**. Our regulatory requirements now include provisions relating to the quality of digital teaching and resources. They would help us better protect students' learning experiences in the event of a return to widespread digital learning in a future pandemic. Similarly, the introduction of a model student consumer contract, which I refer to above, would help to bring clarity to the rights of students during such a transition. However, should a future pandemic result in similar public health restrictions, universities and colleges are likely again to face significant challenges in delivering many aspects of their provision during a ban on in-person teaching and learning and the closure of facilities.

243. Student surveys, polls and notifications to us from individual students highlighted students' concerns about the move to online teaching and their lack of access to facilities. Some raised concerns about the information their institutions had given them about those changes. Students are consumers and protected by consumer law. However, we cannot directly enforce consumer law, and the regulatory requirements in place during the pandemic were focused on ensuring institutions consider guidance issued by the Competition and Markets Authority. To supplement this, we published guidance during the pandemic, setting out our regulatory expectations, and we followed up with individual institutions where students flagged issues to us that suggested an institution was not following our guidance.
244. Some students have called for partial or full refunds of their tuition fees in respect of provision affected by the pandemic. Some have brought legal action against their institutions and cases are working their way through the courts.
245. The higher education student complaints handling body, the OIA, published guidance for universities and colleges on handling complaints about pandemic-related matters. It has also published case summaries of some of the complaints it has received on those matters.
246. Our pandemic guidance on consumer protection did not address the issue of refunds. We understood at the time that giving widespread refunds could have had a significant impact on the financial position of individual universities and colleges. Offering an entire cohort the opportunity to repeat a year affected by the pandemic at no extra cost is likely to have done the same. It would also have affected the next cohort coming through – universities and colleges cannot simply double the number of students they teach – and some students might have been unable to repeat a year because of their personal circumstances.
247. Our reflections about the unsatisfactory position of students in these circumstances – entitled to redress under consumer law but without easy mechanisms to enforce those rights – have prompted changes in our approach. We have recently published expectations for universities and colleges about treating students fairly during

industrial action, where similar, though less acute, issues can arise in relation to students receiving the teaching and assessment they had been promised.

248. We have recently consulted on introducing stronger consumer protection requirements for universities and colleges wishing to register with the OfS, again focused on ensuring students are treated fairly. We expect to publish the outcomes of that consultation in summer 2025. We have also indicated that we intend to consult on strengthening our ongoing consumer protection requirements for institutions already registered. A recent independent review of the work of the OfS, conducted by Sir David Behan, recommended that the OfS should have direct consumer enforcement powers. Such powers would be a powerful tool for the OfS to protect the interests of students now and during any future pandemic, and we would support primary legislation to that effect. I exhibit a copy of Sir David Behan's review report as **SL/66-INQ000641654**.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed: Personal Data _____

Dated: __15 August 2025_____

