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Dear Nicola,

I am writing to share my thoughts regarding the OfS report published last week on the 2019-20 registration process and outcomes. I will in the interests of transparency also be publishing this letter on the IHE website.

The registration of 387 providers under the new regulatory framework in England is a significant achievement, which reflects many thousands of hours of work by staff at institutions up and down the country, as well as in the Office for Students. I congratulate you on reaching this important milestone, even though for some of our members the journey is not yet complete.

The registration process has not been without its challenges, and last week's report is an important first step in a wider 'lessons learned' exercise that must now take place, to draw together the different perspectives of the regulator, regulated higher education providers and their representatives. There are certainly lessons for all stakeholders to learn, and in that spirit we will soon be sharing with you some of the experiences and perspectives of independent providers on this process as collected through our annual IHE Survey and continuing dialogue.

The Office for Students was established by Government to level the higher education playing field by offering an accessible route into the mainstream sector for providers of all different shapes, sizes and missions. The fact that the transitional phase of registering established providers is still ongoing more than a year after it was meant to conclude is testament to the very real complexities involved in regulating such a diverse sector. But the fact that these delays have disproportionately affected newer, smaller and independent providers is a situation which could and should have been foreseen and mitigated against. This cannot simply be explained away by the "poor quality of applications", as the report suggests, and it is incumbent on the fledgling regulator to reflect on its own preparedness and performance over the last 18 months.

Those of us who have worked with these providers for many years understood the scale of the task involved, and we were clear in our advice that far greater focus and resource would need to

be applied to it in order for all those joining the system to be assessed and processed in good time. I note that, as a general rule, the quality of applications one receives cannot easily be separated from the quality of guidance and support one provides to those applying. It is worth remembering that one of the express aims of the Higher Education and Research Act in 2017 was to encourage providers which offer something different, but so far it seems that the new regulatory framework has struggled to accommodate many of these very differences.

The principal challenge facing any new regulator is to acquire a comprehensive and nuanced understanding of the sector in which it operates, while ensuring the timely availability of clear and supportive guidance for those who are to be regulated. Our members had assumed that the full eligibility criteria for registration would be clear and all necessary processes developed ahead of time, while the seriousness of the potential impact on students would be reflected in the speed of decision-making. However, this was not always the case.

This is an exciting time for higher education in the UK. The reimagining of the English sector to be more flexible, innovative and forward-thinking will deliver real benefits to students of all ages and backgrounds. There is much more to do to ensure that the regulatory environment supports this ambitious programme, and IHE is ready to work collaboratively with the OfS and other partners in order to achieve these goals.

I would welcome the opportunity to meet in order to start learning the specific lessons of the registration process, as well as to discuss how the ongoing regulation of higher education in England can best serve the interests of students through a rigorous and proportionate approach.

Yours sincerely,



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Chief Executive

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#### Copied to

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