

**Letter of Guidance from the Secretary of State for Business, Innovation and Skills and the Minister of State for Universities and Science to the Director of Fair Access**

**Introduction**

- 1.1 Section 32(3) of the Higher Education Act 2004 requires the Director of Fair Access, in performance of his functions under Part 3 of the Act, to have regard to any guidance issued by the Secretary of State. The last guidance issued by the Government was in February 2011. In light of action we have taken since then to widen participation, student success and progression, and of our ambitions for the future set out below, now is the right time to issue you with new guidance.
- 1.2 This guidance moves forward from the guidance issued in February 2011, reflecting developments since that time. It takes effect immediately.

**The Government's ambitions for the future**

*Transforming life chances and meeting the Prime Minister's goals*

- 2.1 Higher Education is a transformative experience and one we want to open up to many more people.
- 2.2 The Prime Minister has set out a goal of doubling the proportion of young people from disadvantaged backgrounds entering higher education by the end of this Parliament, from 2009 levels. This ambition is in line with your own target for the sector, as expressed in your Strategic Plan published last year. In addition, we want to see an increase in the number of students from Black and Minority Ethnic communities studying in higher education of 20% by 2020 from 2014 as we seek to ensure that everyone has a meaningful stake in society, transforming life chances.
- 2.3 Our commitment to social mobility goes further. The Green Paper "*Fulfilling our Potential: Teaching Excellence, Social Mobility and Student Choice*" (CM9141) identifies other disparities, most notably the need to improve participation amongst young White males from lower socio-economic groups, whose participation is particularly poor; and to improve the outcomes of higher education study for Black and Minority Ethnic students, which are generally lower than those of White students, both in raw terms and when you take into account other factors.

- 2.4 Recent research published by HEFCE<sup>1</sup> shows that institutions have increasing numbers of students with mental health problems or a Specific Learning Difficulty (SpLD). Students with an SpLD now make up over 50 percent of the disabled higher education student population. We want to do more to help such students enter higher education, succeed in their studies and progress towards appropriate post-graduate study and employment and they are now a specific target group listed in paragraph 10.1.
- 2.5 The Government's focus for the coming period will be on achieving these goals and your contribution will be vital in helping to see that our ambitions are met. Access to university is not simply an issue for universities to solve alone, and the steps the Government is taking to raise school attainment will play an important part in this work. Individual admissions decisions must also remain a matter for universities and universities alone. This guidance, and the Government's overall approach to access and success for students from disadvantaged and under-represented groups, is to ensure that universities are doing all they can to ensure that anyone with the talent and potential to succeed are able to benefit from higher education.
- 2.6 We have asked Universities UK to establish a Social Mobility Advisory Group to identify ways of making swift progress towards meeting these challenges and achieving our ambitions. We shall look to you to work closely with this Group and to encourage institutions to act on the findings of the Group, where appropriate. Universities are best placed to decide on the strategy for access and success that will work best for them in achieving their and the Government's ambitions. Where there is robust evidence suggesting that there are priorities that are not being tackled, we look to you to raise these with the sector through your guidance, as you have done with the balance of expenditure on outreach and financial support for students in recent years.
- 2.7 We shall also look to you to continue to work closely with students. Our Green Paper proposals put the student interest at the centre of the higher education system. You already have representation from the National Union of Students on your Advisory Group and provide guidance to institutions on how they should involve students in the design, delivery and monitoring of access agreements and supporting good practice. We would like you to work closely with students to ensure that their voice is heard and that as significant funders of their education they have an appropriate say on issues of access.

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<sup>1</sup> *Delivering opportunities for students and maximising their success; evidence for policy and practice 2015-2020 (HEFCE, July 2015)*

- 2.8 Progress on part time and flexible study options and mature learners are also important aspects of widening participation. Our ambitions in these areas are set out in paragraphs 5.7 and 9.1.

## **Building on progress**

### *Widening participation*

- 3.1 Considerable progress has been made in widening participation since we took up office as part of the Coalition Government in 2010. Application rates of English domiciled 18 year olds from the most disadvantaged areas are at an all-time high: 22% for entry in 2016/17 compared to 15.2% in 2009/10. Young people living in the most disadvantaged areas became more likely to enter higher education in 2015 with entry rates reaching their highest ever levels.
- 3.2 The contribution of new Access Agreements, introduced from 2012, has been significant. Anticipated expenditure on widening participation through Access Agreements is predicted to rise from £404m in 2009/10 to nearly £751m by 2019/20.

### *Retention, student success and progression*

- 3.3 We have a good record on student retention and success: only 7.1% of young full-time first degree entrants to higher education in English HEIs in 2009/10 did not continue after their first year and this has fallen to 5.7% in 2012/13.<sup>2</sup> Higher proportions of students are also succeeding with their studies: 12.8% of full-time first degree starters of all ages in English HEIs in 2009/10 were projected to neither transfer nor receive an award, a considerable improvement over past years, and this has improved further to 10.0% in 2012/13. Improvements in these areas have come at a time of considerable expansion in student numbers and increasing diversity in the backgrounds of students.
- 3.4 Many graduates progress quickly to post-graduate employment. But the HEFCE report says that analysis undertaken over a number of years “...*had shown clear and persistent unexplained differences in degree attainment, progression to postgraduate study and progression to graduate employment for particular groups of students.*” The groups affected were students from ethnic minority groups, students from disadvantaged areas and disabled students not in receipt of Disabled Students Allowances.
- 3.5 You have encouraged a stronger focus from institutions on investment through the student lifecycle, particularly from those institutions which are already successful in achieving a diverse student body, enabling access to be

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<sup>2</sup> the joint best ever non-continuation rate recorded.

seen in its broader context. This reflects the fact that student success and progression from degree to good outcomes affects prospective students' perceptions as to whether initial entry to higher education is a worthwhile investment. For this reason, we welcome and support your emphasis on the need to look across the student lifecycle including in particular student retention rates and outcomes. Expenditure on student success and progression through Access Agreements has been steadily increasing and is predicted to reach £148m and £55m a year respectively by 2019/20.

### *Your Strategic Plan*

- 3.6 Your Strategic Plan, published last year, notes three key features to your work. These are:
- Understanding: increasing the evidence base about what works for widening participation, improving retention and student success and progression;
  - Challenging: encouraging institutions to set high expectations for themselves towards achievement of the Government's ambitions in this area;
  - Championing: giving a high profile to widening participation in the higher education sector and elsewhere where influence might be brought to bear.
- 3.7 Your Strategic Plan sets out your intention to continue with an outcome-focussed and evidence-led approach. We strongly endorse this, along with your emphasis on looking at the whole of the student lifecycle to improve entry, retention and student outcomes.
- 3.8 Real, lasting, progress can only be made by achieving cultural change throughout higher education institutions, which takes long term effort and energy. We endorse your encouragement to institutions to develop long-term plans covering the whole of the institution.

## **Investment through Access Agreements**

### *The financial context*

- 4.1 The financial health of the HE sector is sound overall and the university infrastructure is in good shape. Institutions are in a strong position to continue to invest as necessary to widen participation and improve outcomes for graduates. As set out in the Green Paper, we are also consulting on allowing institutions offering high quality teaching to increase tuition fees in line with inflation.

4.2 Access Agreements will remain central to our efforts to ensure that progress is made in widening participation. Through these, publicly-funded institutions wishing to charge fees above the basic fee level must agree an Access Agreement with you. In Access Agreements, institutions set out their fee levels, their plans for widening participation, the investment they will make in widening access, and their targets and benchmarks that they set themselves. Investment through Access Agreements will continue to be the major route through which funding is directed to widening participation.

#### *Investment by individual institutions*

4.3 Institutions have been investing significant amounts through their Access Agreements. In 2016/17 this is expected to amount to 26% of their income gained by charging fees above the basic level. Part of your work has been to challenge institutions to invest in accordance with the progress they need to make, and to set themselves challenging targets. Your negotiations with institutions have been successful in persuading them to stretch for higher achievement and for 2016/17 Access Agreements 94 institutions made changes to their targets and 28 altered their predicted level of expenditure.

4.4 This effort needs to continue if we are to achieve our ambitions. Of course, it remains for you to make judgements on the investment that individual institutions might be expected to make, but investment needs to be clearly linked to the performance of the institution in widening access. Where appropriate, I would like you to take particular account of the institution's performance in the areas covered by the Government's ambitions and priorities described above, and the effort needed to secure improvements in those areas.

4.5 You should continue with the annual assessment of Access Agreements, introduced in 2012. This will enable us both to understand the effect of recent and forthcoming changes, such as the removal of the cap on student numbers and the change from grants to loans, and to monitor progress towards the Government's ambitions. You will then be able to take this into account in your annual guidance to institutions.

#### *Smarter investment*

4.6 We look to you to continue to encourage institutions to invest wisely in widening participation, basing their decisions on robust evaluation plans and evidence. This depends first and foremost on having good data and using it effectively, and we look to you to champion the effective collection of reliable and relevant data and its effective use. We would like you to require more from institutions in the information they provide to you about how they use

evaluation and reflective practice and the expertise they draw on to help them make their investment decisions. It is, of course, up to institutions to invest their own money as they see fit, but it is in their interests to take evidence-led approaches and we would like you to take less account of investment for which there is little justification, based on evidence and the institution's targets and performance.

- 4.7 You are currently undertaking research which will lead to a better understanding as to what effect bursaries have on retention and student success. In 2011/12, the year before the introduction of new fee levels, financial support was £387m (87%) of Access Agreement expenditure: in 2016/17 it is £425m (57%). In other words, expenditure on financial support has increased, albeit not at the same rate as other types of investment. In individual institutions, the pattern of expenditure needs to be considered alongside performance in widening participation. Your and others' research finds that bursaries have no discernible impact on promoting participation in HE, and that other types of investment are more effective. We want you to be firmer with institutions to ensure their investment is allocated to the most effective interventions, encouraging more investment in outreach and other activities and less on financial support. Outreach inspires students into higher education and maximises the numbers reached, whereas too much focus on bursaries has the effect of cherry-picking a small number of students at the expense of others who also have the potential to benefit.
- 4.8 Bursaries should be backed up by clear and robust evaluation plans and supporting evidence that shows that the investment is proportionate to the contribution they make towards widening participation. We suggest that the balance between the number and amount of bursaries offered by institutions through their Access Agreements when compared with other investments should be determined by evidence about their contribution towards widening participation. Especially we would like you to look at their expected contribution towards achievement of the Government's ambitions and goals.
- 4.9 Of course, we must be mindful of the recent changes to student funding. We have published an Equality Analysis in respect of the switch from maintenance grants to loans and we will be monitoring further whether the policy has any adverse impact on disadvantaged and protected groups, and particularly on ethnic minority students and older students. We would like you to encourage institutions to reflect our findings in their Access Agreements, along with other evidence that may become available, including evidence from institutions themselves.

## **Access Agreements and widening participation**

- 5.1 Admissions are rightly a matter for institutions themselves and you have a legal duty to protect academic freedom, including over admissions. But it is vital that institutions reach out to identify and nurture potential students from disadvantaged backgrounds.
- 5.2 Effective targeting is essential. There are still many areas of the country where too few young people go to university. HEFCE research for young people aged 18 in 2011/12 suggests that London's young people are, on average, 36 per cent more likely to progress in higher education compared to young people from elsewhere in the country. But even in London the situation is uneven with an east-west split in participation rates. The North East is the region of the country where young people are least likely to go into higher education. Many areas where young people are least likely to go into higher education can be found along the coast, in former industrial towns in the Midlands and the North, and in rural areas of the South West and East of England. According to the report, young women aged 18 in the most disadvantaged areas are 35 per cent more likely to participate in higher education than 18 year old men. We would like you to reflect this in your guidance to institutions so that areas with poorest progression to higher education receive particular attention, perhaps through more long-term outreach and collaboration with schools. Addressing regional inequalities in admissions will also require institutions to collaborate effectively on outreach, working with regional and local organisations to raise aspiration from a young age including where there might be lower than expected applications from schools. More broadly, HEFCE's good practice on targeting,<sup>3</sup> the use of which you already encourage, helps institutions to build their approaches to targeting.

### *Working with schools*

- 5.3 Now that we have lifted the cap on student numbers, there is no reason why young people with potential and the desire to get a place should not be able to do so, whatever their background. Raising aspiration and the participation rate is a complex challenge, and the steps the Government is taking to raise school attainment will play an important part. Close working between HEIs and schools is also critical in making sure the right young people are identified and supported. Institutions will need a strong focus on this aspect of their work if our ambitions are to be met. We would like you to encourage universities to work with all types of school, including free schools and academies, building on their existing work including in sponsoring schools.

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<sup>3</sup> *Higher Education outreach: targeting disadvantaged learners (HEFCE publication 2007/12)*

You might also encourage universities to become involved in setting up free schools where this will have an impact on widening access.

- 5.4 Institutions will need to continue to build long-term relationships with schools to help improve attainment and aspirations. Such relationships are best built on a shared agenda, with institutions' widening participation aims aligned with the goals of their feeder schools, for example those relating to use of pupil premium. You might want to encourage institutions to develop more in the way of targets for their long term relationship-building with schools and colleges as well as activity focussed targets.
- 5.5 Raising aspirations towards university can be a long term ambition which started in primary school and may continue into adulthood. Such work is often undertaken by universities in partnership, and the results will frequently not be seen directly on the institution's own intake. Nonetheless, such work is vital and needs to be recognised and we hope you will encourage more work starting in primary school. Access Agreements need to recognise short, medium and long-term ambitions. Evaluation needs to measure the impact against the aim of the intervention at the point the intervention takes place and how this helps to widen participation. We would like you to encourage institutions to have targets for their achievement at various stages from primary school upwards. You are already taking steps to help institutions ensure that activities in this sphere are meaningful, reflect good practice and are properly evaluated, and further progress with this work needs to be made to ensure that it is firmly embedded within institutional strategies.
- 5.6 Widening participation depends on having the right organisational arrangements in place and on building relationships with schools over time. We would like you to encourage institutions to make sure that their investment reflects these needs adequately. Collaborative partnerships are important in pooling resources, ensuring good coverage, avoiding duplication and sharing evidence and effective practice and we would like you to encourage more of it. The National Networks for Collaborative Outreach are helping schools and colleges to find out about outreach opportunities for their young people. It is vital that the investment made by universities so far is protected. To that end we look to you to encourage strongly further investment by institutions in or through these networks. The HEFCE-led evaluation will help institutions to understand how to maximise the value for money of their investment in these networks. I hope you will encourage institutions to take account of the evaluation findings when making their investment decisions, and to use Access Agreements to build on the work of these networks into the future. Given the importance of collaboration, this is an area where you might expect to see more targets.

### *Mature learners*

- 5.7 Much of the focus is on young people leaving school. However, the cohort of 18 year olds is projected to shrink by 9.5% in England between 2015 and 2020, placing an increasing emphasis on the need to recruit more mature learners. It is essential that institutions consider lifetime learning, and take into account the needs of older learners and reach out to them and we would like you to encourage institutions to make more effort in this area. Mature learners often find part time study to be an easier option, reflecting family and other commitments and in paragraph 9.1 below we ask you to help to provide a renewed focus on part time study which should be of particular benefit to many prospective mature learners.

### *Information and consumer law*

- 5.8 Institutions should take note of the advice published by the Competition and Markets Authority in March setting out how they think that consumer law applies to the higher education sector, including measures to ensure information is available to students. Institutions must comply with their legal obligations as a minimum, but you will want to consider whether more should be done in respect of provision of clear, accessible and timely information to students from disadvantaged backgrounds. In doing so they should seek to better understand the needs of their target groups.

### *Contextual data*

- 5.9 The use of contextual data in the admissions process is not new. Contextual data is information which is separate to an individual's A level or other qualifications that can be used by institutions to help them identify applicants with the greatest potential to succeed on a particular course. We have said that we consider the use of contextual data to be a *“valid and appropriate way for institutions to broaden access, whilst maintaining excellence, so long as individuals are considered on their merits, and institutions' procedures are fair, transparent and evidence-based.”* That remains our view.

## **Access Agreements and retention/student outcomes**

- 6.1 The proportion of higher education entrants who are not in higher education one year after starting has fallen from around 8.4% in 2009/10 to 7.0% in 2012/13. According to HESA data, the non-continuation rate in individual institutions varied in 2012/13 from 1.4% to 15.2%. There is a similar spread of performance in projected non-completion rates, ranging from 1.2% to 25.2%.

- 6.2 Your increased focus on progression throughout the lifecycle as set out in your Strategic Plan is therefore welcome. It recognises that students' expectations about their ability to progress with their studies and gain good outcomes can have a material effect on their initial decisions about higher education. It is a waste of resources, not least for the students themselves, when a student ends their course early for reasons which are avoidable, and can be deeply demoralising. Reducing early drop-out is a task that needs continual attention and we look to you to help stimulate progress where it is most needed.
- 6.3 Prospective students from disadvantaged backgrounds may need extra help to understand the steps after their undergraduate degree that are open to them and that will secure their long term social mobility. This understanding of what they might do next will help them secure their investment in higher education and avoid such students being deterred by the costs at undergraduate level. A top quality education should be the best protection against unemployment, helping to create a resilient labour market.
- 6.4 There is a small but significant disparity in access to the professions after graduation for students from disadvantaged backgrounds<sup>4</sup>. 74% of young 2013/14 graduates in full-time employment from the most advantaged social backgrounds were in the most advantaged employment, compared to 68% of those from less advantaged social backgrounds<sup>5</sup>. We look to you to encourage institutions to undertake work in this area, for example through engagement with Social Mobility Business Compact Champions and Signatories<sup>6</sup>. It is important that all graduates obtain good outcomes so that no-one is deterred from initial entry because they perceive that the risk of not benefitting is too great.
- 6.5 The HEFCE reports set out a series of actions that the Funding Council itself will take in the area of outcomes and progression for graduates. Most of these require co-operation and collaboration, both with yourself and with institutions, and will help to ensure that progress is made towards the Government's

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<sup>4</sup> Research by Macmillan and Vignoles, for example, shows that graduates from "Routine" backgrounds are less likely than graduates from more advantaged socio-economic backgrounds to be in highest status occupations 3 years after graduating, even controlling for the effects of demographics and prior attainment. And HEFCE research using DHLE data shows lower professional employment rates 6 months and 40 months after graduating, for those living in the most disadvantaged areas.

<sup>5</sup> BIS Widening Participation in Higher Education

<sup>6</sup> The Social Mobility Business Compact is a network of businesses committed to tackling elitism and supporting social mobility. Champion businesses in particular are committed to targeting a broader range of institutions to attract a richer pool of talent and are reviewing their recruitment practices to eliminate barriers to social mobility and to take a broader view of a candidates potential to succeed within their business. Further information can be found at <https://www.gov.uk/government/collections/social-mobility-business-compact>

ambitions. You might expect to see work concerning these actions reflected in Access Agreements where appropriate.

## **Coverage**

### *Highly selective institutions*

- 7.1 Access to highly selective institutions for the most disadvantaged remains a challenge. The most disadvantaged 20 per cent of young people are still 6.2 times less likely to attend these universities than the most advantaged 20 per cent. This is an unacceptable gap. As you yourself have said, this is not just a dry statistic – it represents thousands of talented people who are not achieving their potential because of their background. Even within the Russell Group there is wide variation, with some institutions, including Oxford, demonstrating little progress.
- 7.2 We recognise that attainment at school is critical, as are subject and qualification choice. It was heartening this year that there was an increase in entries for A level Maths and English, reflecting work that institutions have done with schools and the guidance published by the Russell Group in 2011. In September, the Careers and Enterprise Company rolled out their Enterprise Adviser Network, a programme to motivate young people and help them attain against those choices both in and out of school. But institutions themselves through their outreach activities could do more to ensure young people make the right choices at school and will need to collaborate with each other to be most effective.
- 7.3 Young people from disadvantaged backgrounds, even if they have the required 'A' levels, are less likely to apply to highly selective institutions than those from other backgrounds. In response, highly selective institutions are helping young people from disadvantaged backgrounds understand what studying at such an institution is like and to understand that it is within their grasp. It is vital though that they ratchet up their game much further. Young people can best understand the opportunities open to them at a highly selective institution, and be persuaded that it is within their grasp, through interaction with such institutions. More in the way of outreach is vital, expanding existing approaches as well as exploring new ideas. They need to think harder about their audiences to ensure that they are sending out the right messages.
- 7.4 And highly selective institutions can make a significant contribution by helping schools to raise their educational standards and by supporting teachers to identify and nurture students with the potential to achieve academically.

- 7.5 We know some of this work is already happening to good effect but there needs to be much more intensive effort both individually and collaboratively. The ending of student number controls provides an opportunity for highly selective institutions to make progress and open their doors far more to students from disadvantaged backgrounds.
- 7.6 The Government accepts that selective institutions already do much to widen participation. We also acknowledge the work that they already do. Nonetheless, we are convinced that more could and should be done, and we look to you to push hard to see that more progress is made. Institutions must use evidence and good practice to lever better results. There needs to be more innovation in this area. As you have said, it should not be beyond institutions themselves to find ways of making more progress.

### *Franchised courses*

- 7.7 Where a further education college receives direct funding from HEFCE or the Department for Education for a course for which it wishes to charge a tuition rate above the basic level, then the college will need its own Access Agreement covering that and other directly funded courses. Where a higher education course in a further education college is funded through a higher education institution (HEI), the HEI, not the further education college, should include that franchised course in its Access Agreement if it wishes to charge above the basic level.

### **Links to the Teaching Excellence Framework (TEF)**

- 8.1 Our plans for the TEF include that it should actively support our work on access and widening participation. Excellent teaching is an important contributor to widening participation, including the impact of the institution's performance on retention and student success. We have consulted on whether eligibility for the TEF should be contingent on having measures in place, such as an approved Access Agreement, to facilitate the access and success of disadvantaged groups. We are also proposing that the metrics in the TEF will be broken down and reported by disadvantaged backgrounds and under-represented groups. To the extent that these proposals are carried forward in light of the consultation results once these are published, we will look to you to assist in carrying forward our plans insofar as any action is within your remit and powers.

### **Part time and flexible study options**

- 9.1 Part time study is an important aspect of widening participation, particularly given the older age profile of those studying higher education part time.

However, part time study has declined, with HEFCE reporting that UK and European undergraduate entrant numbers in 2013-14 are almost half what they were in 2010-11. In the Autumn Statement we announced further measures to tackle the decline in part time study and ensure lifetime learning. In addition to a further relaxation to the Equivalent and Lower Qualifications rules to cover further STEM subjects, we also announced our intention to consult on introducing maintenance support for part time students. We would like you to help to provide a renewed focus on part time study, recognising that the traditional three year degree does not suit some learners and may discourage their participation. This focus could be provided by, for example, providing good practice and, in your guidance to institutions, setting out how you will recognise the effort that institutions take to promote flexible study routes. Part time study, two year degrees, evening degrees and foundation years are amongst the models of higher education delivery that should be considered with renewed vigour for their contribution to widening participation.

- 9.2 Degree apprenticeships will provide a way of meeting employers' needs for their employees on degree courses which will help businesses to grow and become more productive. They are a different model for higher education institutions and we would like you to encourage institutions to work with employers to ensure that students from all backgrounds are properly represented and that the needs of students from disadvantaged backgrounds are not overlooked.

### **Target groups**

- 10.1 Our previous guidance specified broad target groups. These were students from less advantaged backgrounds, students with disabilities, students from some minority ethnic groups, and care leavers. Given our ambitions, and the progress to date, we now need a stronger focus on specific areas of persistent disparity whilst, at the same time, maintaining momentum on the broader groups. The issue of geographical disparities is discussed in paragraph 5.2 but greater attention also needs to be focused on:

- access for young white males from disadvantaged backgrounds;
- outcomes for students from black and minority ethnic backgrounds; and
- access, retention and outcomes for students with specific learning difficulties or mental health needs.

### **Measuring Success and Reviewing Progress**

- 11.1 As now, institutions should agree with you a programme of defined progress each year – set within a five year timeframe – in relation to appropriate performance indicators and benchmarks. These indicators and benchmarks are of course for institutions to set in the context of their own institutional

priorities and missions, using the best available internal and/or external data. You will want to continue to use the data available through the Higher Education Statistics Agency (HESA), UCAS and others to understand absolute and relative performance.

- 11.2 The widening participation performance indicators and benchmarks published by HESA are currently being reviewed by the Performance Indicator Steering Group led by HEFCE. We expect that the outcomes of this review will help to provide further confidence that the HESA indicators and benchmarks properly reflect performance across the whole sector. It is of course for you to decide the appropriateness of different types of performance indicators and benchmarks in indicating your expectations to institutions.
- 11.3 The nature and degree of challenge in any performance indicator or benchmark should, of course, reflect the circumstances of the institution, and that is for you to assess. They will also reflect the priorities in the institution that need to be addressed.
- 11.4 We would like you to encourage institutions to set themselves benchmarks and targets for specific, targeted areas for particular types of students from disadvantaged backgrounds, as well as more general targets and benchmarks. In many cases it will be appropriate to encourage targets and benchmarks relating specifically to students from Black and Minority Ethnic communities, young White males from disadvantaged backgrounds, disabled students and those with learning difficulties, to support our ambitions in these areas. In paragraph 5.4 and 5.6 we have made reference to benchmarks relating to collaboration with schools and collaborative partnerships more generally that you might like to encourage. You might also like to encourage more institutions to set targets across the lifecycle to reflect better the work outlined in their plans.

### **Good practice**

- 12.1 Your work on good practice has helped to ensure that institutions invest wisely. I am sure you will want to continue with this work and many of the areas mentioned above provide opportunities for you to identify and spread good practice and to support the sector to understand and champion which practice is most effective. We would particularly like a stronger focus on effective practice in areas relating to the Government's ambitions. For example, mentoring of young people from disadvantaged backgrounds is an established practice and there are a number of excellent approaches developed by charities and other groups working with specific cohorts, sometimes in collaboration with others or across a group of institutions. You may want to look at these with others in the sector to see what more can be

done to encourage effective mentoring especially of students from BME backgrounds to help them succeed in their studies and obtain good outcomes.

- 12.2 In addition, some work is being undertaken by national networks for collaborative outreach in some localities which specifically addresses the circumstances of BME groups. Institutions should be encouraged to incorporate the lessons into their work on widening participation.

### **Enforcement and sanctions**

- 13.1 The major sanction available to you is not to approve or renew an Access Agreement when it is reviewed each year. This would remove the institution's right to charge its students above the basic level. So far, this power has helped you to negotiate successfully with institutions, and you have not found it necessary to use it.
- 13.2 You also have available to you sanctions should an institution breach or fail to deliver its Access Agreement, and these are set out in the Higher Education Act 2004.
- 13.3 If an institution disagrees with any of your decisions, it has the right to ask for that decision to be reviewed by an independent person or panel, as set out in regulations.
- 13.4 These powers sit alongside your obligations to work towards reducing the burden of regulation, to apply enforcement on a risk basis and to work with institutions to enhance their growth through strong and effective inclusive learning strategies.
- 13.5 Access Agreements should of course continue to be published.

### **Monitoring, reporting and provision of advice**

- 14.1 We would like you to continue to monitor the outcomes of Access Agreements and report on them as you do at present. However, for the coming period we would like a specific focus on the progress being made towards the Government's ambitions and priorities described above. We would like you to tell us where and when more progress needs to be made towards these ambitions, and what more needs to be done to tackle areas of under-performance in the sector. Your public reporting plays an important role in challenging underperformance and championing effective practice and success and we hope that you will continue to develop this aspect of your work.

14.2 Since your appointment we have also looked to you for advice and suggestions on a range of issues relating to access to higher education, reflecting your expertise and experience. We appreciate, for example, your contribution to the development of the Teaching Excellence Framework and we shall continue to draw on your knowledge and experience in developing and implementing our ideas for progress.

End