



Department
for Education

Office for Students Independent Statutory Reviewer Information pack



WELCOME



Thank you for your interest in the role of Independent Statutory Reviewer for the Office for Students (OfS).

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England's higher education (HE) sector is a global leader: delivering high quality teaching and cutting-edge research. In 2022, 240,110 18 year olds in England were accepted into higher education in the UK, including 28,810 from disadvantaged backgrounds (25.1% of the total) – both of these are the highest numbers on record.

The OfS, as the independent regulator of HE in England, has a critical role in delivering the vision of ensuring that the HE sector provides excellent opportunities for all students who have the ability and desire to attend, and that studying in HE leads to improved life outcomes for them. The OfS is pivotal to delivering the Government's manifesto commitments to drive up quality and standards in the HE sector, increase real social mobility and support levelling up across the country, and deliver more flexible ways of accessing HE.

In 2021, the OfS was tasked with a refresh of the access and participation regime, and work is now underway with the sector to rewrite and renegotiate providers' access and participation plans. The refresh is aimed at ensuring that the next cycle of plans are clear and accessible to students, focussed on supporting strong academic attainment, high completion rates, and good outcomes for disadvantaged and under-represented groups whether that be an apprenticeship or higher technical qualification, or a course at a university.

I am seeking to appoint a new Independent Statutory Reviewer for the Office for Students. They will be responsible for reviewing decisions taken by the OfS using powers under the Higher Education and Research Act 2017 (HERA) regarding Registered Higher Education Providers' access and participation plans, in the event that a governing body of a provider applies for a review of such a decision.

As well as being a practicing or former member of the legal profession in in England or Wales, they will bring substantial experience of assessing evidence and compliance with decision making processes of public bodies, statutory criteria and legislative requirements, as well as experience of representing individuals and organisations at all levels and dealing with high profile legal cases with integrity and objectivity.

If you think you have the skills and experience I am seeking, I look forward to hearing from you.

A handwritten signature in black ink, appearing to read 'Gillian Keegan'.

Rt Hon Gillian Keegan MP
Secretary of State for Education



ABOUT THE OFS

The OfS, as the independent regulator of HE in England, aims to ensure that every student, whatever their background, has a fulfilling experience of HE that enriches their lives and careers.

The work of the OfS covers all students whether undergraduate or postgraduate, national or international, young or mature, full-time or part-time, studying on a campus or by distance learning.

The OfS's four primary objectives are:

- Participation - All students from all backgrounds, with the ability and desire to undertake HE are supported to access, succeed in, and progress from HE.
- Experience - All students, from all backgrounds receive a high-quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure.
- Outcomes - All students, from all backgrounds, are able to progress into employment, further study, and fulfilling lives, and their qualifications hold their value over time.
- Value for money - All students, from all backgrounds, receive value for money.

Please note: this appointment is independent from the OfS, and you will not be a board or executive team member.



ABOUT THE ROLE

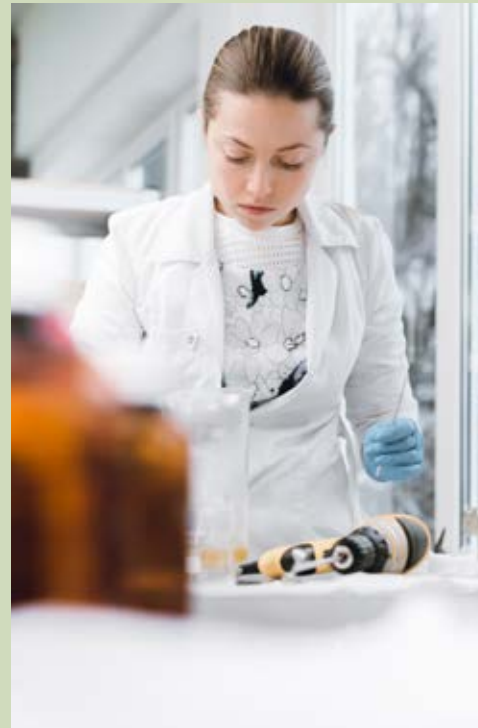
All higher education providers that are subject to a cap on their tuition fees are required to have access and participation plans in place in order to charge fees up to higher maximum levels. Through these plans, providers set out the activities they will undertake to support under-represented groups and students from disadvantaged backgrounds to access, participate and succeed in higher education. This requirement is set out in the Higher Education and Research Act 2017 (HERA).

Decisions relating to Access and Participation Plans agreed by the OfS under HERA are provisional in the first instance. The legislation enables registered higher education providers to apply for a review of decisions regarding the approval or variation of plans and certain enforcement decisions where providers are considered to have failed to comply with their plans.

In the event that a governing body of a Registered Higher Education Provider applies for a review of such a decision, the Statutory Reviewer will be responsible for reviewing decisions taken by the Office for Students using powers under HERA regarding access and participation plans.

The Independent Statutory Reviewer will decide whether a case meets the permitted grounds for a review and, if so, to review the case impartially, and make a recommendation if appropriate. This will allow the OfS to reconsider its decision as required by the legislation. We anticipate that the review will normally be conducted remotely, although the Reviewer may choose to request a hearing, at their discretion.

Cases should be reviewed promptly and may involve consideration of matters such as the extent to which an access and participation plan takes account of the guidance from the OfS, the extent to which the provider has met the commitments set out in its plan, the reasonableness of the decision which the higher education provider has asked to be reviewed, and consideration of evidence presented.



PERSON SPECIFICATION

The specification set out below contains our criteria for assessing applications.

It is essential that you provide in your application evidence and examples in relation to each of these criteria. These responses will be further developed and discussed with those candidates invited for interview.

Essential Criteria:

- Must be a practicing, or former member, of the legal profession in England and Wales.
- Substantial experience of assessing evidence and compliance with decision making processes of public bodies, statutory criteria and legislative requirements.
- Experience of representing individuals and organisations at all levels and dealing with high profile legal cases with integrity and objectivity.

Desirable Criteria

- Experience in reaching independent judgements on complex legal matters, preferably in the areas of mediation, arbitration or dispute resolution.
- Awareness of/interest in the higher education legislative and policy context (including Access and Participation) in which the OfS operates as well as judicial review procedures.



We want to encourage applications from people with a diverse range of backgrounds.

The Department champions social justice in all of its policies and is committed to opening up opportunities for people from all backgrounds, all socio-economic classes and all regions of the UK.

We are committed to embedding this principle into our recruitment and public appointments.

DISABILITY CONFIDENT

We are a member of the Government's Disability Confident scheme and have achieved Disability Confident Leader status, signifying our role as champions of the scheme.

We use the Disability Confident symbol, along with other like-minded employers, to show our commitment to good practice in employing people with a disability.

We ask that all applicants complete an anonymised Diversity Monitoring Form used for gathering data only in order to ensure departments are recruiting from the widest possible pool.

The information you provide is held by the DfE OfS Sponsorship Team and not shared with the selection panel.



TERMS OF APPOINTMENT

Location

This role can be done remotely.

Time Requirement

The role does not have a set time requirement, the reviewer will be required to review cases as and when they arise.

Term

The appointment will be for an initial period of 5 years, with the option to renew should Ministers agree as a result of the performance of the individual and the needs of the organisation.

Remuneration

The appointment is not salaried. The Reviewer will be paid a daily rate as and when required, at a rate of £1,750 per day.

Expenses

You will be reimbursed for any travel and subsistence expenses you necessarily incur while on official OfS business at the appropriate rate.

Pension

The post is not pensionable.



HOW TO APPLY

Information on the timetable for this campaign, selection process, requisite security clearance, and the Assessment Panel can be found on the Centre for Public Appointments website publicappointments.cabinetoffice.gov.uk.

In order to apply you will need to create an account or sign in to the gov.uk website.

To create an account please follow the instructions in the following link: [Create an account – Apply for a public appointment – GOV.UK \(apply-for-public-appointment.service.gov.uk\)](https://apply-for-public-appointment.service.gov.uk)

If you already have an account, please sign in using the link provided: [Sign in – Apply for a public appointment – GOV.UK \(apply-for-public-appointment.service.gov.uk\)](https://apply-for-public-appointment.service.gov.uk)

Once you are logged into your account, click on ‘apply for this role’ and follow the on-screen instructions.

To apply, all candidates are also required to provide:

- a Curriculum Vitae (CV) of not more than 2 sides of A4
- a supporting statement
- equality information
- information relating to any outside interests or reputational issues.

We will ask you to check and confirm your personal details to ensure your application is accurate.

You will also have the opportunity to make a reasonable adjustment request or apply under the disability confident scheme before you submit your application.

Please note the following:

- We cannot accept applications submitted after the closing date.
- Applications will be assessed solely on the documentation provided. Please refer to the advert and checklist above to ensure you have provided the necessary documentation.
- Applications will be acknowledged upon receipt.
- Feedback will only be offered to candidates unsuccessful following interview.

If you have any queries about the role or the recruitment process, please send an e-mail to applications@officeforstudents.gov.uk



PRINCIPLES OF PUBLIC LIFE

In 1995, the Committee on Standards in Public Life defined seven principles which should underpin the actions of all who serve the public in any way.

Consistent with the Governance Code, applicants will be assessed on merit, and all candidates for public appointment will need to uphold the standards of conduct set out in the Seven Principles of Public Life. These will be tested as part of the selection process and the Selection Panel must satisfy itself that all candidates for appointments can meet these standards, which are:

SELFLESSNESS

Holders of Public Office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or other friends.

INTEGRITY

Holders of Public Office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

OBJECTIVITY

Carrying out Public Office business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of Public Office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of Public Office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of Public Office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of Public Office should promote and support these principles by leadership and example.



HOW TO COMPLAIN

Please contact the Department for Education's Public Appointments team if you would like to make a complaint regarding your application at:

PublicAppointments.DFE@education.gov.uk

We will acknowledge your complaint upon receipt and respond within 15 working days.