

Ms Carole Kitching
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21 December 2021

Dear Ms Kitching

Approval of access and participation plan and change to fee limit

In accordance with section 29 of the Higher Education and Research Act 2017 (HERA), the Office for Students (OfS) can confirm that the access and participation plan you recently submitted has been approved.

The following annexes to this letter contain important information about the approval process, including requirements relating to the publication of your access and participation plan:

Annex A: Letter approving your access and participation plan from the Director for Fair Access and Participation

Annex B: Your approved access and participation plan (enclosed as separate attachment)

Any decision of the OfS to approve an access and participation plan is, in the first instance, a provisional decision. This is the case whether the provisional decision is to approve, or not approve, a plan. A provisional decision becomes final if the provider either informs the OfS that it accepts the provisional decision, or does not apply for a review of the provisional decision within 28 days beginning from the date of the provisional decision.

The OfS will write to you in due course with general information about our arrangements for monitoring access and participation plans for 2022-23 and beyond. This will expand on the monitoring information contained in Regulatory Notice 1 which sets out the requirement for all providers to publish and submit to the OfS an annual access and participation impact report.

Change to ongoing conditions of registration

As a result of the approval of your access and participation plan New College Swindon is subject to general ongoing condition of registration A1: Access and participation plan from 21

December 2021. You can find more information about the conditions of registration in the OfS's regulatory framework.¹

Change to fee limit

As a result of the approval of your access and participation plan, the higher statutory fee limit will apply to qualifying courses for any academic year commencing on or after 1 August 2022.

This change in fee limit will be recorded in the OfS's Register of English higher education providers which you can find at <https://www.officeforstudents.org.uk/advice-and-guidance/the-register/the-ofs-register/>.

If you have any questions about this letter, please contact the Compliance and Student Protection Directorate at regulation@officeforstudents.org.uk or on 0117 931 7305.

Yours sincerely



Susan Lapworth
Director of Regulation

¹ See https://www.officeforstudents.org.uk/media/1406/ofs2018_01.pdf

Annex A

To: The governing body, New College Swindon

Date: 19 November 2021

Provisional decision to approve an access and participation plan

I am writing to confirm that I have approved New College Swindon's 2022-23 access and participation plan. This approval is in accordance with section 29 of the Higher Education and Research Act 2017 (HERA), the Higher Education (Access and Participation Plans) (England) Regulations 2018 (the "Regulations") and informed by our published guidance². As set out in Regulatory Notice 1, initial approval of an access and participation plan is for a period of one year. The approval of your plan will automatically roll over for a period of two years. The total possible duration of the plan's approval is therefore **three years** unless I expressly notify you in writing prior to this that a new plan needs to be submitted for approval.

Accordingly, unless I notify you otherwise, New College Swindon will not need to submit a new access and participation plan for approval until 2024, for the period 2025-26 onwards. It is important to note that approval of your plan on this basis is conditional on you taking all reasonable steps to deliver the targets and measures in your plan, your compliance with any related monitoring requirements the OfS imposes on you, and any enhanced monitoring requirements or specific condition(s) of ongoing registration that have been imposed.

Reasons for approval

In accordance with section 29 of HERA, the OfS may, if it thinks fit, approve an access and participation plan. An access and participation plan is a plan that complies with sections 30 to 32 of HERA. Section 30 of HERA allows a limit to be set on the duration of an access and participation plan. This limit is prescribed in the Regulations, and is currently set at a maximum of five years.

The OfS published Regulatory Notice 1: Access and participation plan guidance on 28 February 2019 and this sets out our approach to regulating access and participation, including the duration of our approval of plans.

I have assessed your plan and I am satisfied that it meets the requirements set out in sections 29 – 32 of the Higher Education and Research Act 2017 and the Regulations and informed by the published guidance relating to access and participation plans.

However, in assessing your plan I have noted the following:

- You do not currently have data available to conduct a full assessment of performance and do not anticipate having a full dataset until 2023-24.

² <https://www.officeforstudents.org.uk/media/0bcce522-df4b-4517-a4fd-101c2468444a/regulatory-notice-1-access-and-participation-plan-guidance.pdf> In particular, see paragraph 52.

- There are also risks associated with the fact that your evaluation practice is still emerging and you do not yet have clarity about how effective the proposed strategic measures will be in their own context that could be mitigated by a shorter plan approval.

In view of this, the plan will rollover for two years, from 2022-23 until 2024-25. I therefore require you to submit a new access and participation plan in 2024 for the period 2025-26 onwards. We will write to notify you of the guidance and requirements for submitting this plan in due course.

Review of my decision to approve your access and participation plan

Any decision of the OfS to approve a plan is in the first instance a provisional decision for the purposes of the Regulations. The governing body of a provider affected by a provisional decision may apply for a review of that decision in accordance with regulation 6 of the Regulations.

A provisional decision becomes final if the governing body either informs the OfS that it accepts the provisional decision, or does not apply for a review of the provisional decision within 28 days beginning from the date of the provisional decision.

If you do not accept this provisional approval decision and wish to apply for a review, you must notify independentreferrals@officeforstudents.org.uk within 28 days of the date on this letter. You must not publish your access and participation plan until the independent review process is complete.

Next steps

Attached to this letter is your approved access and participation plan. If you do not accept this provisional decision, you may apply for an independent review of the decision as outlined above.

If you accept this provisional decision, please notify the OfS that you accept the decision by writing to regulation@officeforstudents.org.uk. You should also publish your approved plan on your website and send the URL to regulation@officeforstudents.org.uk so that it can be published on the OfS Register.

Yours sincerely



Chris Millward
Director for Fair Access and Participation