

## New universities regulator marred by controversy



By [Oscar Bentley](#), Editor (2018)  
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Image credit: Hammersmith and Fulham Council

The Office for Students (OfS) is a new regulator for universities, due to take over from the current Higher Education Funding Council for England (HEFCE) and the Office for Fair Access (OFFA), and was established by the Higher Education Research Act 2017. It was dubbed “the most important legislation for the sector in 25 years” by Viscount Younger, the bill’s sponsor in the Lords, while Universities UK, an organisation which advocates on behalf of 136 different universities and colleges of higher education, said it was “the first major regulatory reform”.

However, despite not even having taken over the responsibility of university regulation yet, the OfS has been marred by scandal over the last couple of months. One point of controversy is the OfS’ somewhat surprising focus on, and powers regarding, free speech. Former Universities Minister Jo Johnson warned universities in a speech on boxing day that they must “open minds, not close them”, and attacked policies such as safe spaces and no-platforming.

The OfS has been granted the power to fine and suspend universities which it finds to be infringing upon freedom of speech. Universities are already legally obligated to uphold free speech under the Education Act 1986.

A University of York spokesperson rejected the idea that there is a lack of free speech on campus, commenting that: “The University is committed to providing platforms where diverse views are debated and challenged in a respectful and intellectual environment. The University is required by Section 43 of the Education (No. 2) Act 1986 to take ‘such steps as are reasonably practicable to ensure that freedom of speech within the law is secured on University premises for members, students and employees of the University and for visiting speakers.’ This is included in our University Regulations – specifically Regulation 10.”

However, most of the controversy surrounding the new regulator was the appointment of Toby Young to

its board. Young's appointment was announced on New Year's Day and was immediately met with backlash, leading over 221 000 people to sign a petition for his removal, questioning his suitability for the post. While appointed due to his credentials as a director of a free schools network, a key policy introduced during the Coalition, Young's further qualifications of teaching at Cambridge and Harvard, as announced by the Department for Education, were found to have been misleading, as he was not appointed to any academic post.

Perhaps the biggest source of controversy came from Young's past comments, calling wheelchair ramps "ghastly inclusivity", while labelling working class students attending Oxford and Cambridge as "universally unattractive" and "small, vaguely deformed under-graduates". He has been labelled misogynistic and homophobic, tweeting on multiple occasions about the cleavages of female Labour MPs sat behind former Labour Leader Ed Miliband during Prime Minister's Questions, and described a gay celebrity as looking "queer as a coot".

Prime Minister Theresa May was forced to wade into the debate, denouncing Young's comments and stating that if he continued to make similar ones in the future he would find himself out of public office. Young finally resigned on 8 January, describing himself as becoming a "caricature" and that his appointment "has become a distraction from its vital work of broadening access to higher education and defending academic freedom". This came just hours after student publication London Student made Young aware that they knew of his attendance at a Eugenics conference held at UCL.

The commissioner for public appointments, Peter Riddell, has launched an investigation into Young's initial appointment, dubbing it a "serious failing". Riddell noted that the OfS' interview panel "made no mention of Mr Young's history of controversial comments and use of social media" in their re-port to ministers, and highlighted flaws in the recruitment process. Furthermore, the OfS has faced criticism for a lack of student representation on its board and an over-reliance of board members who come from the business sector, rather than education. The only student representative on the boards is Ruth Carlson, a civil engineering student and course representative at the University of Surrey.

Shakira Martin and Amatey Doku, NUS President and Vice-President for Higher Education respectively, both applied to sit on the board but were rejected. When asked for an opinion regarding the OfS, a University spokesperson said: "We support an Office for Students that will protect the interests of students and the reputation of the higher education sector."

YUSU President Alex Urquhart shared concerns with *Nouse* regarding the OfS, while remaining optimistic about the regulator's intentions: "I share the concerns of many York students about the market-based approach that's under-pinning the regulator and I think there's a risk it views students, and HE more widely, through a narrow lens as a result. At the same time, YUSU has welcomed the opportunity to respond to the consultation on the OfS's priorities and to meet with the OfS Chief Executive, Nicola Dandridge. It's clear that the OfS is in listening mode and it's encouraging to see this on issues that students really care about, like value for money. Going forward, I would like to see the OfS place more focus on student voices, in the mechanisms and processes of the regulator itself, as well as in sector institutions more widely."



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