

Office for  
Students

OfS

# Regulatory advice 1: The OfS approach to regulation

February 2018

OfS 2018.02

# Foreword



We have a world-leading higher education sector, admired for its quality in teaching, research and its capacity to innovate. We also have, thanks to bold school reform over the last 25 years, the best educated generation in our history pursuing higher education in greater numbers than ever before. This combination is central not only to our economic future but also to the richness, quality and diversity of our culture and society.

The Office for Students (OfS), set up by the Higher Education and Research Act of 2017, is the new regulator for this vitally important sector. Our role is to unleash greatness by creating the conditions in which the interests of students, short, medium and long term, are consistently prioritised and in which a diversity of institutions can thrive. It is not our role to guarantee the future success of the higher education sector and no amount of central direction could do so. Two vital ingredients are critical to the health of our higher education sector – institutional autonomy and academic freedom – and the OfS will protect and promote both.

In this context, in my first speech as the Chair of the OfS in June 2017, I set out the priorities for the future organisation. This document marks the completion of the first priority: the establishment of a regulatory framework that describes how we will carry out the core task of stewardship of the higher education landscape, working for positive outcomes in the student interest. Through this framework, we will achieve our other priorities – promoting social mobility, inspiring teaching, and contributing to economic growth.

Our regulatory framework enables the Director for Fair Access and Participation to develop a bold new approach to supporting social mobility, and equality and diversity, through higher education. The new framework equips us to deploy a powerful set of regulatory levers, not only to improve access to higher education, but also reduce the gaps in continuation, attainment and progression that are currently experienced by different groups of students. The sector has increased opportunity by widening access to higher education during the last two decades, but has not achieved equality of opportunity. We will be radical and ambitious to make sure we deliver on the promise of higher education as an engine for social mobility, and a gateway to a better life for those who undertake it.

Our approach to inspiring teaching is set out in this framework. As the Teaching Excellence and Student Outcomes Framework showed clearly, there are already many examples of excellent teaching across the full, diverse range of the higher education sector. I see such examples regularly as I visit institutions up and down the country. The new regulatory regime will seek to ensure that **all** students have a high quality higher education. Prospective students will be

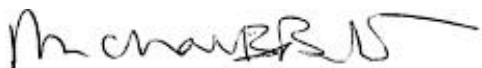
equipped with the means, underpinned by innovative and meaningful datasets and high quality information, to enable them to make informed choices about the courses that are right for them.

Throughout the development of this document, we have had a deliberate focus on securing outstanding outcomes for students. Perhaps now more than ever, students – regardless of age or demographic – need an education that equips them with the skills and knowledge to navigate work, study, and life in the 21st century. This is vital not only for students, but for the country too. A world-class sector producing world-class graduates will be critical, economically, politically, and socially. Nor will we forget the value of knowledge for its own sake and the importance of exciting curiosity, opening minds and creating the conditions for what Professor Timothy Garton Ash calls ‘robust civility’. These are the foundations of a free society.

The OfS and our regulatory framework are themselves innovative; our intention is that our world-leading higher education sector will be monitored by a world-leading regulator. That is the standard to which we aspire. While creating the conditions that enable the sector to deliver an excellent education to all students, we will simultaneously work to reduce unnecessary regulatory burden. Indeed, the two go hand in hand.

The new regime we are putting in place is designed with the long term in mind. We want to create conditions for success two or more decades ahead. We have a fantastic opportunity. For providers, the framework offers opportunities to achieve both incremental gains and transformative innovation. For students, the chance to make the most of what the 21st century has to offer to those with a good education and a lifelong commitment to learning.

This document and the regulatory regime it describes mark a historic shift for the sector, and indeed the country. I look forward to working with and learning from all those involved to make sure that we collectively seize the opportunity ahead. Golden ages don’t have to be in the past.



**Sir Michael Barber**

Chair of the Office for Students

# Contents

<b>Foreword</b> .....	<b>1</b>
<b>The OfS's risk-based approach</b> .....	<b>4</b>
<b>The OfS's general duties</b> .....	<b>5</b>
<b>Overview of the regulatory approach</b> .....	<b>6</b>
<b>Sector level regulation</b> .....	<b>7</b>
<b>Provider level regulation</b> .....	<b>8</b>
Registration and initial risk assessment: .....	8
On the Register:.....	8
Interventions and sanctions: .....	9
<b>The OfS's relationship with students</b> .....	<b>9</b>
<b>The OfS's relationship with providers</b> .....	<b>9</b>
<b>The OfS's information duties</b> .....	<b>10</b>
<b>The OfS's quality and standards functions</b> .....	<b>11</b>
<b>The OfS's relationship with other regulators and bodies</b> .....	<b>11</b>
<b>Annex A: The OfS's approach to the regulation of individual providers</b> .....	<b>13</b>
<b>Annex B: Initial and general ongoing conditions of registration</b> .....	<b>14</b>
<b>Annex C: Public interest governance principles</b> .....	<b>21</b>

# The OfS's risk-based approach

1. The Office for Students (OfS) is a new regulator for English higher education. It will adopt a **bold, student-focused, risk-based approach**, reflecting the significant changes to higher education of the last 25 years and seeking to anticipate the changes still to come.
2. The OfS's primary aim is to ensure that English higher education is delivering positive outcomes for students – past, present, and future. This ambition runs through the regulatory framework and the organisation as a whole. The OfS will seek to ensure that students, from all backgrounds (particularly the most disadvantaged), can access, succeed in, and progress from higher education. The OfS is concerned with all students within its remit: from the UK and beyond; undergraduate and postgraduate; studying full time or part time and campus based or distance learners.
3. The OfS will focus on delivering the four primary regulatory objectives set out below.

## The four primary regulatory objectives

All students, from all backgrounds, and with the ability and desire to undertake higher education:

1. Are supported to access, succeed in, and progress from, higher education.
2. Receive a high quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure.
3. Are able to progress into employment or further study, and their qualifications hold their value over time.
4. Receive value for money.

4. The regulatory framework is designed to mitigate the risk that these primary objectives are not met.
5. In addition to seeking to ensure that students receive value for money (Objective 4), the OfS will seek to mitigate the risk that the sector does not deliver value for money for taxpayers and citizens who invest in higher education through: the allocation of public grant funding; research funding by UKRI; and the public subsidy to the student finance system.
6. The OfS will work with UKRI to monitor and mitigate the risk relating to the sustainability of those providers that contribute to the strength of the research base, and risks to the interests of postgraduate students.
7. The OfS's regulatory approach will ensure:

- a. **A student focus:** Regulation will be designed primarily to protect the interests of students, short, medium and long term (especially the most disadvantaged), rather than those of providers.
  - b. **Clarity:** All registered providers will be primarily regulated by one body, with a clear path for new entrants to the sector.
  - c. **Accountability:** The OfS will be accountable for its decisions and subject to public scrutiny.
  - d. **Consistency:** There will be a single Register so students will know the minimum baseline of provision that they can expect every registered provider to deliver, and providers will compete on a level playing field.
  - e. **Proportionality and targeting:** Provision that presents low risk to students will be subject to less regulatory burden, while less secure elements of provision will face greater regulatory scrutiny.
  - f. **Competition:** The market will be regulated so that, wherever possible, choice and competition drive innovation, diversity and improvement. Where market mechanisms are not sufficient to achieve the desired outcomes, as is the case for access and participation, there will be direct regulation of providers.
8. The regulatory approach is designed to be principles-based because the higher education sector is complex, and the imposition of a narrow rules-based approach would risk leading to a compliance culture that stifles diversity and innovation and prevents the sector from flourishing. This regulatory framework does not therefore set out numerical performance targets, or lists of detailed requirements for providers to meet. Instead it sets out the approach that the OfS will take as it makes judgements about individual providers on the basis of data and contextual evidence.
9. There will be a marked shift from the previous approach to regulation. Once the regulatory framework is established, its implementation will reduce bureaucracy and unnecessary regulatory burden for individual providers and, as a consequence, for the academic and professional staff whose work is essential to successful outcomes for students.

## The OfS's general duties

10. The OfS is independent from government and from providers. Its approach to regulation is underpinned by the functions, duties and powers given to it in the Higher Education and Research Act 2017 (HERA). In performing its functions, it will have regard to:
- a. The need to protect the institutional autonomy of English higher education providers.
  - b. The need to promote quality, and greater choice and opportunities for students, in the provision of higher education by English higher education providers.

- c. The need to encourage competition between English higher education providers in connection with the provision of higher education where that competition is in the interests of students and employers, while also having regard to the benefits for students and employers resulting from collaboration between such providers.
  - d. The need to promote value for money in the provision of higher education by English higher education providers.
  - e. The need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers.
  - f. The need to use the OfS's resources in an efficient, effective and economic way.
  - g. So far as relevant, the principles of best regulatory practice, including the principles that regulatory activities should be:
    - i. Transparent, accountable, proportionate and consistent.
    - ii. Targeted only at cases in which action is needed.
11. These are referred to as the OfS's 'general duties' and are set out in section 2 of HERA.
12. In making decisions, the OfS will take all of these general duties into account, weighing one against the others as it deems appropriate. Certain areas of the OfS's activity, such as the imposition of individual ongoing conditions of registration, may focus on one or more of its general duties. For example, the general duty that relates to equality of opportunity might be delivered through the work of the Director for Fair Access and Participation and through the requirement for providers to have in place access and participation plans and statements. The OfS will also develop equality objectives and an action plan to ensure that it takes equality of opportunity into account across all of its activities and decisions, and promotes equality and diversity across all aspects of its work. Issues of equality and diversity may be taken into account as the OfS makes regulatory decisions primarily, but not exclusively, through access and participation plans.
13. In exercising its functions, the OfS will have regard to this regulatory framework, and to any guidance it receives from the Secretary of State. It is also required to comply with any general directions given to it by the Secretary of State, and to the terms and conditions attached to any grants it receives from the Secretary of State, that comply with the requirements of sections 77 and 74 respectively of HERA.
14. The OfS is committed to adopting and contributing to best regulatory practice. It will comply with the Regulators' Code, and in developing this regulatory framework the OfS has consulted widely, drawn on best practice, and sought to learn from the latest in regulatory theory.

## Overview of the regulatory approach

15. The OfS's approach to regulation puts informed student choice and institutional autonomy at its heart. It sees the dynamic of providers responding to informed student choice as the best

mechanism for driving quality and improvement, and will regulate at the sector level to enable this. The OfS will regulate at provider level to ensure a baseline of protection for all students and the taxpayer. Beyond that threshold the OfS will encourage and enable autonomy, diversity and innovation.

16. The OfS's regulatory approach also seeks to deliver social and policy objectives in areas where market mechanisms may not succeed. For example, the improvements in access and participation that students and society require will not be delivered by the market alone. This means that the OfS will take direct regulatory action to drive improvement in this area, beyond that necessary to preserve a minimum baseline.

## Sector level regulation

17. At sector level the OfS will focus on creating the conditions for informed choice, competition, and continuous improvement. The OfS will:
  - a. **Involve students** in the way that it regulates.
  - b. Work with, and have oversight of, the designated data body (DDB) to coordinate, collect and disseminate **information for students**, to help them make the best possible choices. It will publish student outcomes and current and future employer needs as a way of informing student choice. It will incentivise focus on student outcomes, and support mechanisms that allow student transfer.
  - c. Operate the Teaching Excellence and Student Outcomes Framework (TEF) to incentivise the improvement of the **quality of teaching** across the sector and provide information to students about where excellent teaching and outcomes may be found.
  - d. **Remove unnecessary barriers to entry** for high quality new providers, increasing diversity and competition in the sector for the benefit of students.
  - e. **Remove unnecessary regulatory barriers** for all high-quality providers, ensuring that providers that represent low risk to students and taxpayers experience a reduction in regulatory burden.
  - f. Regulate to enable and **create space for innovation**, including in teaching and learning, while ensuring that baseline requirements for quality and other areas of risk to students are met.
  - g. Champion issues and share evidence and examples of effective and innovative practice for students. It will be unafraid to **speak out on behalf of students**, and in particular will promote value for money for students and taxpayers and will highlight inequalities wherever it sees them.
  - h. Use a range of **indicators, qualitative intelligence and horizon scanning** to understand and evaluate the health of the sector.
  - i. Use its **teaching grant funding** strategically, in line with government priorities, such as supporting priorities in the Industrial Strategy as well as access and successful



participation for the most under-represented, and students from disadvantaged backgrounds.

## Provider level regulation

18. At provider level, the OfS will regulate, and intervene where necessary, to protect the interests of all students. A diagram of the OfS's approach to the regulation of individual providers is provided on page 13.

### Registration and initial risk assessment:

- a. All registered providers will be listed on a **single Register** that is accessed through a single gateway. Providers will be able to choose to register in one of **two categories**. Each category allows access to a distinct set of benefits for providers, with regulatory requirements that are proportionate to the risks to student and taxpayer interests.
- b. To register, providers will have to demonstrate that they satisfy a set of **initial conditions of registration** to ensure they are able to offer high quality higher education to students. They will be required, for example, to uphold the set of public interest governance principles found on page 18. They will be subject to a **risk assessment** to determine whether they will be able to continue to satisfy their conditions. The risk assessment will consider whether they can achieve particular outcomes rather than whether their processes meet a pre-determined specification.
- c. The OfS will work with, and have oversight of, the designated quality body (DQB) to **assess the quality** of, and standards applied to, the higher education of providers seeking to register.
- d. Conditions of registration are the primary tool that the OfS will use to regulate individual providers, and the OfS will decide, based on its risk assessment, which **general and specific ongoing conditions** (the general conditions are found on page 14) should apply to the provider. Conditions will, in the main, be used to ensure that providers continue to meet minimum **baseline requirements**, rather than to drive continuous improvement. An exception to this will be access and participation for providers in the Approved (fee cap) category, where the baseline requirement is that a provider must have an agreed access and participation plan, which will deliver continuous improvement.
- e. The OfS will use its risk assessment to decide if any **enhanced monitoring** is needed as further mitigation of the risks posed by an individual provider.

### On the Register:

- a. All providers will be monitored using **lead indicators, reportable events** and **other intelligence** such as complaints. These will be used to identify early, and close to real-time warnings that a provider risks not meeting each of its ongoing conditions of registration. Regulatory decisions will not normally be taken solely on the basis of these indicators, but they will identify areas for the OfS to assess further. The OfS will respond swiftly with interventions (which may include sanctions) if deemed necessary.
- b. The OfS will also use **random sampling** to identify a small proportion of providers each year (e.g. 5 per cent) for a more extensive assessment of whether they continue to meet

the general ongoing conditions of registration. This approach will be used to confirm the effectiveness of the OfS's monitoring system, and to act as a further incentive for providers to meet their ongoing conditions of registration.

### Interventions and sanctions:

- c. If a risk of a **breach of one or more conditions of registration is identified**, the OfS will consider whether it should impose additional specific ongoing conditions of registration for the provider, to protect the interests of students and taxpayers. It will also consider whether to enhance monitoring.
- d. If a **breach** of a specific or general ongoing condition is identified, the OfS will consider the use of **formal sanctions** – monetary penalties, suspension or deregistration. Where appropriate, these will be applied decisively, but always proportionately. Which sanctions it uses will depend on a range of factors.

## The OfS's relationship with students

19. The OfS's regulatory framework is designed to deliver the four primary regulatory objectives that are designed to protect the interests of students. The OfS will use its regulatory tools at sector and provider level to ensure that higher education in England works in practice for students from all backgrounds before, during and after their studies.
20. The OfS will engage with students to ensure that their voice is heard. The OfS's Student Panel will operate with a clear link to the formal governance structure of the OfS, and will support the ability of the student representative on the main board in ensuring that students' views on regulation and other issues are taken into account.
21. Alongside the student representation on the board and Student Panel, the OfS will seek the input of individual students and their representative bodies, including student unions. The main regulator of student unions is the Charity Commission. However, student unions can play an important part in the academic and wider experience of students, and form a significant element of the overall student experience. The OfS will therefore want to work with student unions, taking account of their role and contribution.

## The OfS's relationship with providers

22. The OfS's risk-based approach is central to how it will interact with providers. The OfS's engagement with an individual provider is intended to allow the OfS to make appropriate regulatory decisions about managing risks associated with that provider. It is not to provide support for improvement activities, or to require the provider to take actions the OfS would like to see, unless there is a risk of the provider breaching its conditions of registration.
23. The OfS will seek open and trusting relationships with providers, because this is the mechanism best able to achieve effective regulation in the interests of students. This will not

preclude immediate and decisive interventions where there is a risk of a breach of a condition of registration.

24. Dialogue will focus on specific regulatory issues rather than the general circumstances and activities of the provider. The OfS may alert a provider where there may be issues with the provider's compliance with a condition of registration, but it will not provide advice to providers about how they should run their organisation. Providers should look to other sources, for example to sector bodies, for such advice and support.
25. A provider will be expected to inform the OfS of an actual or potential breach of its conditions of registration, or a serious risk of such a breach occurring.

## The OfS's information duties

26. The use of information, including data and qualitative intelligence, will underpin how the OfS undertakes its regulatory functions. The OfS will take an information-led and proportionate approach to monitoring individual providers, ensuring that students can access reliable information to inform their decisions.
27. The Secretary of State, on the recommendation of the OfS, has designated the Higher Education Statistics Agency (HESA) to perform specific data duties as the DDB. Schedule 6 of HERA sets out the framework for the relationship between the OfS and the DDB. The DDB will collect, make available, and publish appropriate information on behalf of the OfS, and the OfS will be responsible for holding the DDB to account for the performance of those functions. The parameters within which the OfS will require the DDB to operate will be set out in a designation agreement between the two organisations.
28. The OfS will develop a data strategy in 2018. This will set out how it intends to fulfil its responsibilities in relation to data; the data requirements it will place on providers; how it will work with the DDB; and the mechanisms it will use to ensure it takes account of the data needs of other organisations, including the sector itself and the DDB's statutory customers.
29. The information and data the OfS requires to fulfil its functions will be wide-ranging. It will need to be sufficient to support the OfS to:
  - a. Establish and monitor a set of lead indicators to understand provider performance and regulate in a proportionate and risk-based way.
  - b. Target, evaluate and improve access and participation, and equality and diversity activities.
  - c. Monitor the sector as a whole, to understand trends and emerging risks at a sector level and work with the sector to address them.
  - d. Ensure students can access reliable and appropriate information to inform their decisions about whether to study for a higher education qualification and, if so, identify which provider and course is most likely to meet their needs and aspirations.

- e. Work with employers and with regional and national industry representatives to ensure that student choices are aligned with current and future needs for higher level skills.
  - f. Operate the TEF.
  - g. Support registered higher education providers in meeting their transparency conditions.
  - h. Support the Department for Education, given its overall responsibility for the policy and funding framework in which the sector operates, and other public bodies such as UKRI in the delivery of their prescribed functions.
30. It is envisaged that reliable information and data will be collected, as now, through a combination of data returns from the sector, annual surveys, data sharing with other bodies and bespoke requests.

## **The OfS's quality and standards functions**

31. The Secretary of State, on the advice of the OfS, has designated the Quality Assurance Agency for Higher Education to carry out the quality and standards assessment functions set out in section 23 of HERA and to provide advice to the OfS under section 46 of HERA. Schedule 4 of HERA sets out the framework for the relationship between the OfS and the DQB. The DQB will be under a duty to perform assessment functions on behalf of the OfS. It is the responsibility of the OfS to ensure that the arrangements that are made to undertake these assessments are fit for purpose and consistent with the OfS's approach to regulation. The parameters within which the OfS requires its designated body to operate will be set out in a designation agreement between the two organisations.

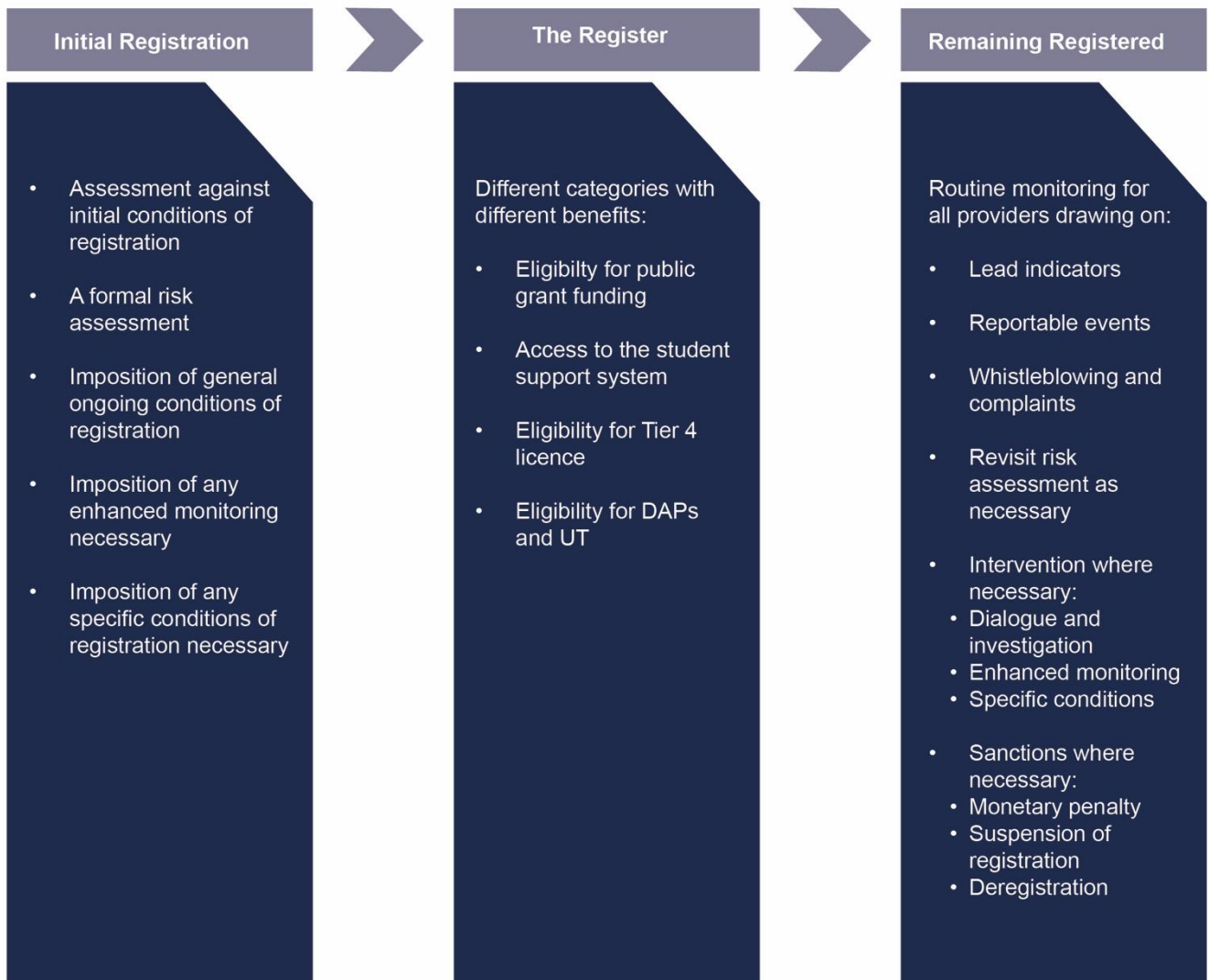
## **The OfS's relationship with other regulators and bodies**

32. Section 63 of HERA gives the OfS powers to cooperate and share information with other bodies. Section 112 gives the OfS a more specific power to cooperate and share information with UKRI, and section 113 empowers the OfS to work with the devolved administrations and their funding bodies, and with UKRI. The OfS may wish to use its powers under sections 63, 112 and 113 in a range of circumstances and, where necessary, will put in place collaboration agreements to achieve this.
33. Co-operation and sharing of information with UKRI will be essential across a range of areas of shared interest, for example in relation to: skills, capability and progression; knowledge exchange; infrastructure funding; building robust evidence and intelligence; and ensuring that the Research Excellence Framework and TEF are mutually reinforcing. The OfS and UKRI will work together to protect the interests of postgraduate students and to secure the research careers pipeline. UKRI will rely on the OfS's regulation of English higher education providers receiving research funding from Research England and UKRI and its Councils. The OfS will wish to be aware of any concerns identified by UKRI in relation to research funding or

research ethics and/or where there are significant changes in this funding that could increase the risk of a provider breaching a condition of registration.

34. The OfS will seek active and constructive engagement with the devolved administrations and their funding bodies, and with other regulators and funding bodies in England, such as the Charity Commission, the Competition and Markets Authority, the Advertising Standards Authority, the Education and Skills Funding Agency, the Institute for Apprenticeships and the Office of the Independent Adjudicator. The OfS may use information from, and the views of, other regulators or funding bodies to inform its decisions about initial registration and ongoing monitoring of providers, where this is consistent with HERA.
35. The OfS's engagement with other bodies will be underpinned by the following principles:
  - a. **Co-operation** by supporting and reflecting each other's duties and giving notice when there are changes to regulatory powers.
  - b. **Clarity** on roles and responsibilities and how they work together where other bodies have responsibility for quality and regulation.
  - c. **Appropriate burden** by working intelligently, openly and accountably to ensure that duplication of regulatory requirements is avoided when possible and there is the minimum regulation needed to deliver required outcomes.
  - d. **Mutual understanding** of regulatory processes to enable confidence in and reliance on each other's processes and oversight.
  - e. **Mutual assurance**, when it is needed, to ensure support on relevant emerging issues and risks.
  - f. **Information sharing** of relevant and accurate data in a timely manner, where legally permissible, to minimise the data collection burden.
  - g. **Transparency** on how data and information will be used, with whom it will be shared, under what circumstances and for what purposes, as determined by the Data Protection Act and other applicable legislation (including HERA).

# Annex A: The OfS's approach to the regulation of individual providers



# Annex B: Initial and general ongoing conditions of registration

General ongoing conditions of registration		Also Initial condition	Approved (fee cap)	Approved
A: Access and participation for students from all backgrounds				
Condition A1	An Approved (fee cap) provider intending to charge fees above the basic amount to qualifying persons on qualifying courses must: <ol style="list-style-type: none"> <li>i. Have in force an access and participation plan approved by the OfS in accordance with the Higher Education and Research Act 2017 (HERA).</li> <li>ii. Take all reasonable steps to comply with the provisions of the plan.</li> </ol>	Yes	✓ (higher fee limit)	
Condition A2	An Approved provider or an Approved (fee cap) provider charging fees up to the basic amount to qualifying persons on qualifying courses must: <ol style="list-style-type: none"> <li>i. Publish an access and participation statement.</li> <li>ii. Update and re-publish this statement on an annual basis.</li> </ol>	Yes	✓ (lower fee limit)	✓
B: Quality, reliable standards and positive outcomes for all students				
Condition B1	The provider must deliver well designed courses that provide a high quality academic experience for all students and enable a student's achievement to be reliably assessed.	Yes	✓	✓
Condition B2	The provider must support all students, from admission through to completion, with the support that they need to succeed in and benefit from higher education.	Yes	✓	✓

General ongoing conditions of registration		Also Initial condition	Approved (fee cap)	Approved
Condition B3	The provider must deliver successful outcomes for all of its students, which are recognised and valued by employers, and/or enable further study.	Yes	✓	✓
Condition B4	The provider must ensure that qualifications awarded to students hold their value at the point of qualification and over time, in line with sector recognised standards.	Yes	✓	✓
Condition B5	The provider must deliver courses that meet the academic standards as they are described in the Framework for Higher Education Qualifications at Level 4 or higher.	Yes	✓	✓
Condition B6	The provider must participate in the Teaching Excellence and Student Outcomes Framework.	No	✓	✓
<b>C: Protecting the interests of all students</b>				
Condition C1	The provider must demonstrate that in developing and implementing its policies, procedures and terms and conditions, it has given due regard to relevant guidance about how to comply with consumer protection law.	Yes	✓	✓
Condition C2	The provider must: <ul style="list-style-type: none"> <li>i. Co-operate with the requirements of the student complaints scheme run by the Office of the Independent Adjudicator for Higher Education, including the subscription requirements.</li> <li>ii. Make students aware of their ability to use the scheme.</li> </ul>	No	✓	✓



General ongoing conditions of registration		Also Initial condition	Approved (fee cap)	Approved
Condition C3	<p>The provider must:</p> <ul style="list-style-type: none"> <li>i. Have in force and publish a student protection plan which has been approved by the OfS as appropriate for its assessment of the regulatory risk presented by the provider and for the risk to continuation of study of all of its students.</li> <li>ii. Take all reasonable steps to implement the provisions of the plan if the events set out in the plan take place.</li> <li>iii. Inform the OfS of events, except for the closure of an individual course, that require the implementation of the provisions of the plan.</li> </ul>	Yes	✓	✓
D: Financial sustainability				
Condition D	<p>The provider must:</p> <ul style="list-style-type: none"> <li>i. Be financially viable.</li> <li>ii. Be financially sustainable.</li> <li>iii. Have the necessary financial resources to provide and fully deliver the higher education courses as it has advertised and as it has contracted to deliver them.</li> <li>iv. Have the necessary financial resources to continue to comply with all conditions of its registration.</li> </ul>	Yes	✓	✓
E: Good governance				

General ongoing conditions of registration		Also Initial condition	Approved (fee cap)	Approved
Condition E1	The provider's governing documents must uphold the public interest governance principles that are applicable to the provider.	Yes	✓	✓
Condition E2	The provider must have in place adequate and effective management and governance arrangements to: <ul style="list-style-type: none"> <li>i. Operate in accordance with its governing documents.</li> <li>ii. Deliver, in practice, the public interest governance principles that are applicable to it.</li> <li>iii. Provide and fully deliver the higher education courses advertised.</li> <li>iv. Continue to comply with all conditions of its registration.</li> </ul>	Yes	✓	✓
Condition E3	The governing body of a provider must: <ul style="list-style-type: none"> <li>i. Accept responsibility for the interactions between the provider and the OfS and its designated bodies.</li> <li>ii. Ensure the provider's compliance with all of its conditions of registration and with the OfS's accounts direction</li> <li>iii. Nominate to the OfS a senior officer as the 'accountable officer' who has the responsibilities set out by the OfS for an accountable officer from time to time.</li> </ul>	No	✓	✓

General ongoing conditions of registration		Also Initial condition	Approved (fee cap)	Approved
Condition E4	The governing body of the provider must notify the OfS of any change of which it becomes aware which affects the accuracy of the information contained in the provider's entry in the Register.	No	✓	✓
Condition E5	The provider must comply with guidance published by the OfS to facilitate, in co-operation with electoral registration officers, the electoral registration of students.	No	✓	✓
<b>F: Information for students</b>				
Condition F1	The provider must provide to the OfS, and publish, in the manner and form specified by the OfS, the transparency information set out in section 9 of HERA.	No	✓	✓
Condition F2	The provider must provide to the OfS, and publish, information about its arrangements for a student to transfer.	No	✓	✓
Condition F3	For the purpose of assisting the OfS in performing any function, or exercising any power, conferred on the OfS under any legislation, the governing body of a provider must: <ul style="list-style-type: none"> <li>i. Provide the OfS, or a person nominated by the OfS, with such information as the OfS specifies at the time and in the manner and form specified.</li> <li>ii. Permit the OfS to verify, or arrange for the independent verification by a person nominated by the OfS of such information as the OfS specifies at the time and in the manner specified and must notify the OfS of the outcome of any independent verification at the time and in the</li> </ul>	No	✓	✓

General ongoing conditions of registration		Also Initial condition	Approved (fee cap)	Approved
	<p>manner and form specified.</p> <p>iii. Take such steps as the OfS reasonably requests to co-operate with any monitoring or investigation by the OfS, in particular, but not limited to, providing explanations or making available documents to the OfS or a person nominated by it or making available members of staff to meet with the OfS or a person nominated by it.</p> <p>The requirements in paragraphs (ii) and (iii) do not affect the generality of the requirement in paragraph (i).</p>			
Condition F4	For the purposes of the designated data body (DDB)'s duties under sections 64(1) and 65(1) of HERA, the provider must provide the DDB with such information as the DDB specifies at the time and in the manner and form specified by the DDB.	No	✓	✓
G: Accountability for fees and funding				
Condition G1	A provider in the Approved (fee cap) category must charge qualifying persons on qualifying courses fees that do not exceed the relevant fee limit determined by the provider's quality rating and its access and participation plan.	No	✓	

General ongoing conditions of registration		Also Initial condition	Approved (fee cap)	Approved
Condition G2	The provider must comply with any terms and conditions attached to financial support received from the OfS and UK Research and Innovation (UKRI) under sections 41(1) and/or 94(2) of HERA. A breach of such terms and conditions will be a breach of this condition of registration.	No	✓	✓ <sup>1</sup>
Condition G3	The provider must pay: <ul style="list-style-type: none"> <li>i. Its annual registration fee and other OfS fees in accordance with regulations made by the Secretary of State.</li> <li>ii. The fees charged by the designated bodies</li> </ul>	No	✓	✓

---

<sup>1</sup> This condition is applicable to providers in receipt of financial support from either the OfS or from UKRI.

# Annex C: Public interest governance principles

## The public interest governance principles applicable to all registered providers<sup>2</sup>:

- I. **Academic freedom:** Academic staff at an English higher education provider have freedom within the law:
  - to question and test received wisdom
  - to put forward new ideas and controversial or unpopular opinions
  - without placing themselves in jeopardy of losing their jobs or privileges they may have at the provider.
- II. **Accountability:** The provider operates openly, honestly, accountably and with integrity and demonstrates the values appropriate to be recognised as an English higher education provider.
- III. **Student engagement:** The governing body ensures that all students have opportunities to engage with the governance of the provider, and that this allows for a range of perspectives to have influence.
- IV. **Academic governance:** The governing body receives and tests assurance that academic governance is adequate and effective through explicit protocols with the senate/academic board (or equivalent).
- V. **Risk management:** The provider operates comprehensive corporate risk management and control arrangements (including for academic risk) to ensure the sustainability of the provider's operations, and its ability to continue to comply with all of its conditions of registration.
- VI. **Value for money:** The governing body ensures that there are adequate and effective arrangements in place to provide transparency about value for money for all students and (where a provider has access to the student support system or to grant funding) for taxpayers.
- VII. **Freedom of speech:** The governing body takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.
- VIII. **Governing body:** The size, composition, diversity, skills mix, and terms of office of the governing body is appropriate for the nature, scale and complexity of the provider.
- IX. **Fit and proper:** Members of the governing body, those with senior management responsibilities, and individuals exercising control or significant influence over the provider, are fit and proper persons.

---

<sup>2</sup> Additional public interest governance principles apply to providers with degree awarding powers and providers in receipt of financial support from the OfS or UKRI.



**OGI**

© The Office for Students copyright 2018

This publication is available under the Open Government Licence 3.0.

[www.nationalarchives.gov.uk/doc/open-government-licence/version/3/](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/)