

# Notice of determination of an ongoing condition of registration

## WHEREAS:

1. Section 5 of the Higher Education and Research Act 2017 ('HERA') provides that:
  - a. the OfS must determine, and may subsequently revise, the initial and general ongoing conditions of registration;
  - b. different conditions may be determined for different descriptions of provider and for registration in different parts of the Register;
  - c. before determining or revising the conditions, the OfS must, if it appears to it appropriate to do so, consult bodies representing the interests of English higher education providers which appear to the OfS to be concerned; and
  - d. the OfS must publish the conditions determined and as revised.
2. Section 75 of HERA provides that the OfS must, from time to time, prepare and publish a regulatory framework which consists of a statement of how it intends to perform its functions and guidance for registered higher education providers. Before publishing a regulatory framework, the OfS is required to consult with the persons and bodies listed in section 75(8).
3. Between 20 January 2022 and 17 March 2022, the OfS consulted on the future Teaching Excellence Framework ('TEF') and published a document seeking views on proposals to revise the TEF: Consultation on the Teaching Excellence Framework (TEF) (the 'Consultation')<sup>1</sup>. One of the proposals in the Consultation was to change the name of the TEF scheme from the 'Teaching Excellence and Student Outcomes Framework' to the 'Teaching Excellence Framework'.
4. In the Consultation, the OfS stated that it planned to update the guidance on ongoing condition of registration B6 in the regulatory framework to reflect the policy decisions taken following the Consultation.
5. The OfS has carefully considered responses to the Consultation, and it has outlined its policy response in its analysis of consultation responses and decisions published on 26 July 2022 (the 'Outcomes Document')<sup>2</sup>. The OfS has therefore decided to proceed with the changes to ongoing condition B6 and the guidance in the regulatory framework relating to condition B6 as stated in the Outcomes Document.

## THEREFORE:

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<sup>1</sup> See 'Consultation on the Teaching Excellence Framework (TEF)' (OfS 2022.02), available at [www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/the-tef/](http://www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/the-tef/).

<sup>2</sup> See 'Consultation on the Teaching Excellence Framework (TEF) Analysis of consultation responses and decisions', available at [www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/the-tef/](http://www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/the-tef/).

6. In accordance with the powers contained in sections 5 and 75 of HERA, the OfS has determined that:

- a. the original ongoing condition of registration B6 (as set out in the original regulatory framework published in February 2018)<sup>3</sup> and the guidance directly related to this condition<sup>4</sup> will cease to apply at the time specified in the table below in respect of all providers registered with the OfS with more than 500 students on higher education courses; and
- b. the revised ongoing condition of registration B6, and the revised guidance directly relating to this condition as set out in 'Condition B6: Teaching Excellence Framework participation'<sup>5</sup>, will apply at and from the time specified in the table below in respect of all registered providers with the exception of those providers as described in that guidance.

#### EFFECTIVE DATE OF NOTICE OF DETERMINATION

Description of condition	When conditions apply or cease to apply
Original ongoing condition of registration B6	Cease to apply at 2359 on 5 October 2022
Revised ongoing condition of registration B6	Apply on and from 0000 on 6 October 2022

<sup>3</sup> See OfS 2018.01 'Securing student success: Regulatory framework for higher education in England', available at [www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/](http://www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/).

<sup>4</sup> Pages 94-95 of the regulatory framework.

<sup>5</sup> See 'Condition B6: Teaching Excellence Framework participation', available at [www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/](http://www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/).