

Publication date: 3 October 2022

Other amendments to the regulatory framework – condition B3

The Office for Students (OfS) published revised initial and ongoing condition of registration B3 on 26 July 2022.¹

In our response to the consultation on this condition, we signalled our intention to make consequential amendments to the guidance in the regulatory framework published in February 2018 (OfS 2018.01)² (and as subsequently amended)³ to reflect final decisions on this condition and the guidance that underpins it. This document sets out these consequential amendments.

The consequential amendments form part of the regulatory framework and therefore constitute material published by the OfS under section 75 of the Higher Education and Research Act 2017. The amendments should be read in conjunction with the whole regulatory framework.

The guidance set out in the regulatory framework is amended as follows:

a. Amendments to suspension of registration guidance

Amend the first sentence of paragraph 183 to read as follows (new wording underlined and removed wording struck out):

“An example of where suspension might be appropriate is where a particular course has very weak ~~retention~~ continuation rates or with few students progressing to ~~professional jobs or postgraduate study~~ managerial or professional employment, or further study.”

¹ See condition B3 student outcomes at www.officeforstudents.org.uk/media/0dc38475-3730-4173-88e7-42989be88262/revised-condition-b3-student-outcomes.pdf.

² See 'Securing student success: Regulatory framework for higher education in England' at www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/.

³ A list of amendments to the regulatory framework is available at www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/. These include consequential changes to reflect revised ongoing conditions of registration B1, B2, B4 and B5 and initial conditions of registration B7 and B8, available at www.officeforstudents.org.uk/media/0b1a609a-dbab-4489-877e-e924f9eb747e/consequential-amendments-to-the-regulatory-framework-may-2022.pdf.

b. Amendments to degree awarding powers guidance

Amend paragraphs 282A–C⁴ to read as follows (new wording underlined):

“Quality and standards conditions

282A. Where the OfS makes a final decision that there is, or has been, a breach of ongoing quality and standards conditions B1, B2, **B3**, B4 and/or B5,^{14A} the OfS will consider using its power under section 16 of HERA to suspend the aspects of the provider’s registration that relate to the authorisation of DAPs. The OfS would be likely to suspend the provider’s eligibility to be authorised for new^{14B} or extended^{14C} DAPs.

282B. Alternatively, where the OfS makes a final decision that there is, or has been, a breach of ongoing quality and standards conditions B1, B2, **B3**, B4 and/or B5^{14D} or where the OfS has imposed a specific condition of registration due to regulatory concerns relating to one or more of those conditions, the OfS may decide that the provider is not suitable to be authorised for new^{14E} or extended^{14F} DAPs.

282C. For information about how the OfS will treat a provider’s compliance history in respect of conditions B1, B2, B4 and B5 in the context of DAPs decisions where a merger, acquisition or other corporate change occurs, see paragraph 372 of the **“Consultation on quality and standards conditions: Analysis of responses to consultation and decision”** document.^{14G} **In respect of condition B3, see paragraph 643 of the “Consultation on a new approach to regulating student outcomes: Analysis of responses to consultation and decisions” document.**^{14H}

^{14A} As revised in: Quality and standards conditions of registration (officeforstudents.org.uk) **and Student outcomes (officeforstudents.org.uk).**

^{14B} In this context ‘new’ means powers that the provider has not previously held, whether or not it seeks to hold those powers on a probationary basis.

^{14C} For example, an order extending a provider’s DAPs by time, level or subject.

^{14D} As revised in: Quality and standards conditions of registration (officeforstudents.org.uk) **and Student outcomes (officeforstudents.org.uk).**

^{14E} In this context ‘new’ means powers that the provider has not previously held, whether or not it seeks to hold those powers on a probationary basis.

^{14F} For example, an order extending a provider’s DAPs by time, level or subject.

⁴ See www.officeforstudents.org.uk/media/0b1a609a-dbab-4489-877e-e924f9eb747e/consequential-amendments-to-the-regulatory-framework-may-2022.pdf.

^{14G} Consultation on quality and standards conditions - Analysis of responses (officeforstudents.org.uk).

^{14H} **Consultation on a new approach to regulating student outcomes: Analysis of responses to consultation and decisions (officeforstudents.org.uk)."**

c. Amendments to university title guidance

Amend paragraphs 306A–C⁵ to read as follows (new wording underlined):

“Quality and standards conditions

306A. Where the OfS makes a final decision that there is, or has been, a breach of ongoing quality and standards conditions B1, B2, **B3**, B4 and/or B5,^{16A} the OfS will consider using its power under section 16 of HERA to suspend the aspects of the provider’s registration that relate to the authorisation of university or university college title. The OfS would be likely to suspend the provider’s eligibility to be authorised for university or university college title.

306B. Alternatively, where the OfS makes a final decision that there is, or has been, a breach of ongoing quality and standards conditions B1, B2, **B3**, B4 and/or B5^{16B} or where the OfS has imposed a specific condition of registration due to regulatory concerns relating to one or more of those conditions, the OfS may decide that the provider is not suitable to be authorised for university or university college title.

306C. For information about how the OfS will treat a provider’s compliance history in respect of conditions B1, B2, B4 and B5 in the context of university or university college title decisions where a merger, acquisition or other corporate change occurs, see paragraph 372 of the **“Consultation on quality and standards conditions: Analysis of responses to consultation and decision”** document.^{16C} **In respect of condition B3, see paragraph 643 of the “Consultation on a new approach to regulating student outcomes: Analysis of responses to consultation and decisions” document.**^{16D}

^{16A} As revised in: Quality and standards conditions of registration (officeforstudents.org.uk) **and Student outcomes (officeforstudents.org.uk).**

^{16B} As revised in: Quality and standards conditions of registration (officeforstudents.org.uk) **and Student outcomes (officeforstudents.org.uk).**

^{16C} Consultation on quality and standards conditions - Analysis of responses (officeforstudents.org.uk).

⁵ See www.officeforstudents.org.uk/media/0b1a609a-dbab-4489-877e-e924f9eb747e/consequential-amendments-to-the-regulatory-framework-may-2022.pdf.

16D Consultation on a new approach to regulating student outcomes: Analysis of responses to consultation and decisions (officeforstudents.org.uk)."