

Regulatory notice 7: application requirements notice

**Notice under section 3(5) of the Higher
Education and Research Act 2017 (HERA)**

Reference: OfS 2026.47

Enquiries to: regulation@officeforstudents.org.uk

Publication date: 16 September 2026

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Regulatory notice 7: Application requirements notice

Notice under section 3(5) of the Higher Education and Research Act 2017 (HERA)

Notice under Section 3(5) of the Higher Education and Research Act 2017. The manner and form of an application for Office for Students ('OfS') registration and the information to be contained in it or provided with it.

Whereas:

- A. For the purpose of assisting the OfS in performing any function, or exercising any power, conferred under any legislation, the OfS has the power under section 3(5) of the Higher Education and Research Act 2017 (HERA) to determine:
 - '(a) the form of an application for registration in the register (or in a particular part of the register),
 - (b) the information to be contained in it or provided with it, and
 - (c) the manner in which an application is to be submitted.'
- B. The OfS has functions which include (but are not limited to) maintaining a register of English higher education providers and assessing registration applications in accordance with section 3(3) of HERA. The OfS must establish and maintain a register (section 3(1) of HERA); the OfS must determine and publish initial registration conditions (section 5(1) of HERA); and the OfS must register an institution if it complies with section 3(3) of HERA.
- C. The OfS may determine different conditions for different descriptions of provider (section 5(2) of HERA).

Therefore:

- D. Under section 3(5) of the HERA, any applicant that submits an application for registration in the OfS Register on or after 28 August 2025 (excluding any registered provider that is applying for registration in a different category of the OfS Register and colleges in the statutory further education sector not seeking Degree Awarding Powers) is required to provide to the OfS or any person nominated by the OfS, the Specified Information in the Specified Time and in the Specified Manner, and
- E. The information contained in the application or provided with it must be accurate.

Definitions

1. **“Specified Information”** means the information set out in the column ‘Specified Information’ of the table at Schedule 1 of this Notice and in accordance with clause D of this notice.
2. **“Specified Time”** means the deadline for provision of the Specified Information as set out in the column ‘Specified Time’ of the table at Schedule 1 of this notice.
3. **“Specified Manner”** means:
 - a. an application for registration by an applicant must not be submitted within 12 months of it receiving notification of a final decision from the OfS to refuse registration to the applicant (or an applicant that is either the same entity or a new entity operating substantially the same higher education business as the previous entity), where that final decision was made in respect of a registration application submitted on or after 1 January 2026; and
 - b. the Specified Information must be provided to the OfS or any person nominated by the OfS in the manner set out in the column ‘Specified Manner’ of the table at Schedule 1 of this notice.
4. **“relevant individuals”** has the meaning given in condition E9.10, and ‘Relevant Individual’ (where referred to in this notice) has a corresponding meaning.
5. **“control”** has the meaning given by section 1124 of the Corporation Tax Act 2010, and **“change of control”** means a change in control so defined. Where two or more entities or individuals, by agreement or practice, exercise their rights in a coordinated way, with the result that they together have control so defined, each will be treated as having control of the provider. A provider is required to notify the OfS of any change in the individual(s) or entity(ies) who have control of the provider.

Schedule 1 Part A

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
General	All providers	The OfS’s registration application form which includes the following sections:	To be submitted with application	Via the OfS Portal ¹
		Provider details		
		Application details		
		Subcontractual arrangements		
		Validation arrangements		
		Named roles		
		Shareholders		
		Directors and trustees		

¹ Unless otherwise stated, we cannot accept links to documents instead of submissions of documents because they do not constitute a reliable record of the information we will use in our assessment. They may be moved, updated or broken over time.

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
Use of sensitive term 'University' or 'University College'	Any provider proposing to be registered with a name containing 'University' or 'University college' in its business, or trading, name, under the Companies Act are sensitive terms	A letter of non-objection from the Department for Education to use of this sensitive term in the provider's business/trading name ²	To be submitted with application	Via the OfS Portal
General	All providers	A diagram showing the provider's corporate structure and ownership. The diagram should: - include all legal and beneficial owners of the provider (direct and indirect) including the ultimate beneficial owner, whether individuals or corporate entities - include any trusts with ownership interests (direct or indirect) in the provider together with an explanation of what ownership interests the trust has and the nature of the trust, including whether it is owned by any other legal or natural person and who its beneficiaries are - illustrate the provider's position alongside its parent and subsidiary undertakings (where it has these), as defined by the Companies Act 2006 - include other entities that fall under a common parent undertaking to the provider applying to be registered - illustrate the relationship between all individuals and entities shown.	To be submitted with application	Via the OfS Portal

² The process for seeking this letter is as described in government guidance, '[Use of university, polytechnic and higher education in business and company names \(other than for university and university college title\)](#)'.

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
General	All providers	A completed investigations declaration form (Appendix 4)	To be submitted with application	Via the OfS Portal
A1	Providers applying in the Approved (fee cap) category that will, if OfS registration is granted, have at some point in the 4 years after registration students registered to them on courses subject to the regulated undergraduate tuition fee regime and intending to charge higher fees	- An access and participation plan that meets the information requirements set out in OfS Regulatory notice 1³ - Supporting information about fees, targets and investment as set out in OfS Regulatory notice 1	To be submitted with application	Via the OfS Portal
A2	Providers applying in the Approved (fee cap) category and intending to charge basic fees and Providers in the Approved category ⁴	An access and participation statement and a link to where this is published	To be submitted with application	Via the OfS Portal
B7	All providers	A quality plan explaining, for each of the requirements in conditions B1, B2 and B4, the provider's plans and processes for achieving compliance, with supporting evidence. The quality plan and supporting evidence must meet the requirements set out in Annex G of Regulatory advice 3⁵	To be submitted with application	Via the OfS Portal

³ OfS, '[Regulatory notice 1: Access and participation plan guidance](#)'.

⁴ Excluding colleges in the statutory further education sector.

⁵ OfS, '[Regulatory advice 3: How to register with the Office for Students](#)'.

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
		- Detailed supporting evidence which demonstrates how each element of the condition will be satisfied, as set out in Annex G of Regulatory advice 3⁶ - An itemised list of each piece of supporting evidence submitted as set out in Annex G of Regulatory advice 3⁷		
B8	All providers	Provider information form in the template provided at Annex I of Regulatory advice 3 ⁸	To be submitted with application	Via the OfS Portal
B8	All providers	- Final or draft course documentation which will be determined from the information submitted by the provider in the provider information form on the template in Annex I of Regulatory advice 3⁹ - Where a provider has delivered or is delivering courses that are intended to be provided if registered, and there is evidence of student achievement in relation to those courses, evidence of student achievement in assessed work and associated records of this achievement must be submitted in line with Annex H of Regulatory advice 3	This information will be requested by the OfS when the provider is referred for a quality and standards assessment. The OfS will write to the provider to advise what information should be submitted. This information is to be submitted within five working days of the OfS's request	Via the OfS Portal

⁶ OfS, '[Regulatory advice 3: How to register with the Office for Students](#)'.

⁷ OfS, '[Regulatory advice 3: How to register with the Office for Students](#)'.

⁸ See B8 provider template at: '[Regulatory advice 3: How to register with the Office for Students](#)'.

⁹ See B8 provider template at: '[Regulatory advice 3: How to register with the Office for Students](#)'.

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
B7, B8	Any provider that is referred for a quality and standards assessment as part of the assessment of its registration application	Proof of payment, by the agreed deadline, of the fee for the OfS's quality and standards assessment	Providers will need to provide this when referred for a quality and standards assessment. The OfS will write to the provider to confirm when it requires this. Proof of payment is to be submitted within ten working days of the OfS's request	Via the OfS Portal
C5	All providers	Template contract(s) that set out terms and conditions for the provision of higher education and any documents which form part of those contracts. This must include all the following that apply to the provider's circumstances: • template contract(s) between the provider and any students it will teach; • template contract(s) between other parties and any students the provider will teach. This includes: – template contract(s) between students the provider will teach and any other higher education provider, where the provider seeking registration is delivering higher education on behalf of that provider (for example, through a subcontractual arrangement);	To be submitted with application	Via the OfS Portal

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
		– relevant extracts of template contracts between apprentice or other employer-sponsored students and their employer where there are specific terms and conditions related to the higher education that will be delivered by the provider seeking registration. • template contract(s) between the provider and any students that will be taught by another party on the provider's behalf; • template contract(s) between other parties and students that will be taught by those parties on the provider's behalf. These template contracts must include terms related to any tuition fees payable and any additional costs that may apply (including but not limited to additional fees to re-sit exams). • Any template contracts (including terms and conditions) between a student and the provider for the following ancillary services or facilities (where the provider offers these and there is a separate contract that students are required to sign): – library services – disability support packages – scholarships – accommodation – sports facilities • A policy (or policies), including those of partner providers if applicable, relating to the		

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
		circumstances in which the provider may make changes to: – courses (including changes to material components or content of a course, changes to subjects offered and course closure) – qualifications to be awarded (including circumstances where a validating partner has withdrawn validation) – modes of study (including full-time, part-time, online and hybrid provision, and including measures to address the needs of specific student groups, including accessibility needs) – teaching location and facilities (including closure of a campus, building or other facilities, and including measures to address the needs of specific student groups, including accessibility needs) – course fees and other related fees or charges (for example, additional fees to re-sit exams) • Complaints process(es) related to the provision of higher education – where there are different processes for different categories of student, all must be submitted • A policy (or policies) that set out the terms for refund and compensation for higher education students and the policy/policies of any partner providers that set out the terms for refund and compensation for higher education students		

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
		• A completed initial condition C5 declaration form (see Appendix 1) • A completed initial condition C5 submission checklist (see Appendix 2)		
D	All providers	• Financial and student number tables in the template provided by the OfS which must be completed in compliance with the OfS guidance for providers about the financial information required for registration¹⁰ • Detailed commentary to accompany the financial and student number tables to explain the data you have provided. The commentary must be provided in line with the OfS guidance for providers about the financial information required for registration¹¹ • If financial support is being guaranteed to the provider by a third party, any agreement between the provider and the third party relating to that financial support, and audited financial statements for the most recent financial year for that third party	To be submitted with application	Via the OfS Portal
D	All providers	• Financial scenario planning, accompanying commentary and mitigating actions (in the template provided by the OfS specifying the scenarios to be planned for)	To be submitted with application	Via the OfS Portal

¹⁰ See 'Guidance for providers about the financial information required for registration' at '[Regulatory advice 3: How to register with the Office for Students](#)'.

¹¹ See 'Guidance for providers about the financial information required for registration' at '[Regulatory advice 3: How to register with the Office for Students](#)'.

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
D	All providers	- Updated financial and student number tables in the template provided by the OfS which must be completed in compliance with the OfS guidance for providers about the financial information required for registration¹² - Detailed commentary to accompany the financial and student number tables to explain the data you have provided. The commentary must meet the requirements set out in the OfS guidance for providers about the financial information required for registration	A provider will need to submit this information once the quality and standards assessment is complete The OfS will write to notify the provider that this information is required It is to be submitted within 60 working days of the OfS's request	Via the OfS Portal
D	Providers that have been: a. in operation and providing higher education for more than three years b. have been in operation and have not provided higher education in the last three years, or c. have not been in operation at all	- Full audited (and where providers have subsidiaries consolidated) financial statements for as many of the last three years as the provider has been providing higher education. - For years where the provider has not been providing higher education, alternative evidence requirements must be provided according to Annex L. - Audited financial statements must be prepared on the basis of the Financial Reporting Standard 102 (FRS 102) or the International Reporting Standards (IFRS) and include all of the following: - A 'Statement of financial position' (balance sheet)	To be submitted with application	Via the OfS Portal

¹² See 'Guidance for providers about the financial information required for registration' at [Regulatory advice 3: How to register with the Office for Students](#).

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
		– A 'Statement of comprehensive income' incorporating profit or loss for the period and items of other comprehensive income – A 'Statement of changes in equity' or a 'Statement of income and retained earnings' or a 'Statement of changes in reserves' – A 'Statement of cash flows' – Notes to the financial statements – Be signed by the provider's external auditor and by its chief executive		
	Providers that have been in operation and providing higher education for fewer than three years or have not provided higher education in the last three years	• Full audited (and where providers have subsidiaries consolidated) financial statements for as many of the last three years as the provider has been providing higher education • For years where the provider has not been providing higher education, Annex L sets out alternative evidence requirements	To be submitted with application	Via the OfS Portal
	All providers	• Audited financial statements (and where providers have subsidiaries consolidated) for any financial years that are completed after the provider's initial submission of its registration application. Audited financial statements must be prepared on the basis of the Financial Reporting Standard 102 (FRS 102) or the International Reporting Standards (IFRS) and include all the following: – A 'Statement of financial position' (balance sheet)	To be submitted within nine months of the provider's financial year end	Via the OfS Portal

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
		– A 'Statement of comprehensive income' incorporating profit or loss for the period and items of other comprehensive income – A 'Statement of changes in equity' or a 'Statement of income and retained earnings' or a 'Statement of changes in reserves' – A 'Statement of cash flows' – Notes to the financial statements – Be signed by the provider's external auditor and by its chief executive		
E7	All providers	The following documents which meet the definitions set out in initial condition E7.9: • Documents which establish the provider as an institution, including (where applicable to the provider's legal form) its Royal Charter, memorandum and articles of association or trust deed • Governing body documents • Risk and audit documents • Decision making documents • Conflicts of interest policy • Any other documents (including shareholder agreements) which contain rules which govern the operation of the provider's governing body	To be submitted with application	Via the OfS Portal
E7	All providers	A business plan that meets the information requirements set out in Part 2 of initial condition E7 See in particular the information requirements set out in E7.8, E7.7.a and b, and E7.5.a.ii	To be submitted with application	Via the OfS Portal

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
E8	All providers	• A completed 'Fraud and public funding declaration form' using the template provided by the OfS (Appendix 3) • The document(s) that set out the provider's internal control processes relating to the detection, prevention and stopping of forms of conduct set out in E8.2 and E8.3, including but not limited to processes to ensure the accuracy of any data submitted to other organisations for purposes related to receiving or accessing relevant public funds • A risk register (or equivalent document(s)) for the purpose of managing risks relating to the forms of conduct set out in E8.2 • A whistleblowing policy • An anti-bribery policy • Any other document(s) that evidence the arrangements required by condition E8.2	To be submitted with application	Via the OfS Portal
E9	All providers	• Policies and processes that the provider has in place to check that relevant individuals are fit and proper for the purposes in E9.4 • Policies and processes that the provider has in place to ensure that relevant individuals are able, by reason of their physical and mental health, to properly perform the tasks of the office or position to which they are appointed • A completed 'Fit and proper persons declaration form' using the template provided by the OfS (Appendix 5)	To be submitted with application	Via the OfS Portal

Element of registration	Providers this is applicable to	Specified information	Specified time	Specified manner
		The full name, contact details (email address and phone number), date of birth (day/month/year) of each of the provider's relevant individuals (as set out in the registration application form)		

Schedule 1 Part B

Providers this is applicable to	Specified Information	Specified time	Specified manner
All providers	Any of the following matters: - Any change to the identity of any Relevant Individual at the provider according to the definition in initial condition E9 - The legal entity applying for registration ceasing to exist - A merger of the provider with another registered or unregistered higher education provider - A change to the provider's legal or beneficial ownership - A change of control of the provider - A change in the provider's legal form - Amendments to the governing documents submitted by the provider in connection with its registration application - An acquisition by the provider of another entity - A notification to the provider of the opening of an investigation of the provider or any Relevant Individual at the provider by, or on behalf of, any awarding organisation, awarding body, professional body, regulatory body, funding body, statutory body, enforcement body, public body or other higher education provider. (This includes but is not limited to any notification to the provider that a third party is investigating the provider in	After submission of the provider's registration application and prior to the OfS making a final decision about the provider's registration application, and within 28 working days of the provider becoming aware of the Specified Information	Via the OfS Portal

relation to a possible fraud, financial irregularity or the inappropriate use of public funds, or that a third party has made a finding that the provider has committed fraud)

- j. The provider resolving to cease carrying on its business principally in England
- k. The provider resolving to fully or substantially cease providing higher education, or if it was applying for registration as a provider in prospect, resolving to no longer provide higher education in future
- l. A notification to the provider that its awarding organisation or awarding body is to withdraw from the arrangement
- m. Termination of a partnership arrangement, whether in the UK or internationally. Establishment of a new partnership arrangement, whether in the UK or internationally
- n. For a provider with a legally binding obligation of, or which otherwise receives, financial support underpinning its financial viability and sustainability, the withdrawal of the obligation or that financial support (including as a result of a change of ownership or control of the provider, even where the new owner will offer a similar obligation or financial support), or an adverse change in the counterparty's financial position or other standing that could affect its suitability as a counterparty
- o. Any notification from a provider's external auditor that it has concluded that the provider is not a going concern, or any assessment by the provider's trustees or directors that the provider is not a going concern
- p. Any material change to the information provided in a provider's business plan, including the information required by initial condition E7.8.
- q. Any material change to the information contained in the quality plan which explains for each of the requirements in conditions B1, B2 and B4 what the provider's plans and processes are for achieving compliance with each requirement in accordance with initial condition B7.

Appendix 1: Initial condition C5 declaration form

Please place an X in the relevant box.		YES	NO
In a context that directly or indirectly relates to the provision of education and Ancillary Services , has your provider been subject to adverse findings under any of the matters listed from a. to d.	a. non-compliance with Consumer Protection Law , as found by a UK court or Competent Authority ;	☐	☐
	b. offering, granting, or promoting a qualification that: • could be mistaken for a degree from a UK university or college, and • is either called a degree, or claims to give the holder the title of bachelor, master, or doctor¹³	☐	☐
	c. failure to comply with a Secretary of State direction to change a company name ¹⁴	☐	☐
	d. use of a name which gives a misleading indication about the activities of a business ¹⁵	☐	☐
If you have answered 'yes' to any of the above questions, please provide further details below. This should include a summary of the circumstances and, where relevant, any mitigations that have been put in place following the adverse finding. Please note: if the answer is 'yes' to any of the above questions, unless the provider can otherwise demonstrate that it has addressed any issues related to the offences to the satisfaction of the OfS, the provider will not satisfy the requirements of initial condition C5.			

¹³ See [section 214\(1\) of the Education Reform Act 1988](#).

¹⁴ See [section 76\(6\) of the Companies Act 2006](#).

¹⁵ See [section 1198 of the Companies Act 2006](#).

Appendix 2: Initial condition C5 checklist

I confirm that I have submitted the following documents:	
Template contract(s) that set out terms and conditions for the provision of higher education and any documents which form part of those contracts, including terms related to any tuition fees payable and any additional costs that may apply (including but not limited to additional fees to re-sit exams)	Choose at least one the following options (and all that apply): ▪ I have submitted template contract(s) between my provider and any students my provider will teach ☐ ▪ I have submitted template contract(s) between other parties and any students my provider will teach (select as appropriate): ○ template contract(s) between students my provider will teach and any other higher education provider, where my provider is delivering higher education on behalf of that provider (for example, through a subcontractual arrangement) ☐ ○ relevant extracts of template contract(s) between apprentice or other employer-sponsored students and their employer, where there are specific terms and conditions related to the higher education that will be delivered by my provider ☐ ▪ I have submitted template contract(s) between my provider and any students that will be taught by another party on my provider's behalf ☐ ▪ I have submitted template contract(s) between another party and students that will be taught by that party on my provider's behalf ☐ Please include document names and any additional information you consider to be relevant: Click or tap here to enter text.
Template contracts (including terms and conditions) between students and my provider for the provision of ancillary services or facilities (where my provider offers these and there is a separate contract that students are required to sign)	Library services: Choose one of the following options: ▪ Yes ☐ ▪ My provider does not offer these services (or they are offered by a third party on my provider's premises) ☐ ▪ My provider offers these services but there is no separate contract that students are required to sign ☐ Please include document names and any additional information you consider to be relevant: Click or tap here to enter text.
	Disability support packages Choose one of the following options: ▪ Yes ☐

	▪ My provider does not offer these services (or they are offered by a third party on my provider's premises) ☐ ▪ My provider offers these services but there is no separate contract that students are required to sign ☐ Please include document names and any additional information you consider to be relevant: Click or tap here to enter text.
	Scholarships Choose one of the following options: ▪ Yes ☐ ▪ My provider does not offer these services (or they are offered by a third party on my provider's premises) ☐ ▪ My provider offers these services but there is no separate contract that students are required to sign ☐ Please include document names and any additional information you consider to be relevant: Click or tap here to enter text.
	Accommodation Choose one of the following options: ▪ Yes ☐ ▪ My provider does not offer these services (or they are offered by a third party on my provider's premises) ☐ ▪ My provider offers these services but there is no separate contract that students are required to sign ☐ Please include document names and any additional information you consider to be relevant: Click or tap here to enter text.
	Sports facilities Choose one of the following options: ▪ Yes ☐ ▪ My provider does not offer these services (or they are offered by a third party on my provider's premises) ☐ ▪ My provider offers these services but there is no separate contract that students are required to sign ☐ Please include document names and any additional information you consider to be relevant: Click or tap here to enter text.

Policy (or policies) relating to the circumstances in which my provider may make changes to: ▪ courses (including changes to: material components or content of a course, changes to subjects offered and course closure) ▪ qualifications to be awarded (including circumstances where a validating partner has withdrawn validation) ▪ modes of study (including full-time, part-time, online and hybrid provision, and including measures to address the needs of specific student groups, including accessibility needs) ▪ teaching location and facilities (including, closure of a campus, building or other facilities and including measures to address the needs of specific student groups, including accessibility needs) ▪ course fees and other related fees or charges (for example, additional fees to re-sit exams)	Yes ☐ Please include document names and any additional information you consider to be relevant: Click or tap here to enter text.
Complaints process(s) related to the provision of higher education – where there are different processes for different categories of student, I have included all of these in my submission	Yes ☐
Policy (or policies) that set out the terms for refund and compensation for higher education students	Choose at least one of the following options (and all that apply): ▪ I have submitted the refund and compensation policies of my provider ☐ ▪ I have submitted the refund and compensation policies of another higher education provider ☐ ▪ I have submitted other refund and compensation policies ☐ Please include document names and any additional information you consider to be relevant: Click or tap here to enter text.
Completed initial condition C5 declaration form	Yes ☐

Information about submission requirements for condition C5

Providers must submit the required documents, even where a provider seeking registration is not yet in operation, not yet delivering higher education, or does not register any students when it submits its application to register with the OfS, but intends to do so if registered.

In making our assessment, we will consider the contracts, policies and process documents your provider uses in its relationships with students. We have set out detailed information about the documents you will need to submit in the application requirements notice.¹⁶

You will also need to make a declaration about:

- findings of non-compliance with consumer protection law
- other relevant adverse findings
- undertakings accepted by consumer protection enforcement bodies
- outstanding applications for enforcement orders made by consumer protection enforcement bodies.

We have provided a declaration form at Annex J: 'C5 declaration form'.

In compiling your application documents, you should make sure they comply with the requirements of OfS initial condition C5, including the OfS prohibited behaviours list.¹⁷

Separately to the requirements of the condition, you should make sure your documents comply with consumer protection law. The Competition and Markets Authority (CMA) has previously published guidance for higher education providers to support legal compliance.¹⁸ You may also find it useful to refer to the CMA's general guidance for traders to make sure you keep up to date with changes to legislation.¹⁹

You will also be required to subscribe to (and cooperate with the requirements of) the Office of the Independent Adjudicator for Higher Education's (OIA) complaints scheme under ongoing condition C2 if you are successfully registered. We note that CMA guidance for higher education providers indicates that complaints procedures are more likely to comply with legal requirements where they follow the OIA's Good Practice Framework (GPF).²⁰ You should be aware that 'fairness' is one of a number of principles in the GPF and the OIA may separately review your documents against its principles. If your provider already subscribes to the OIA's complaints scheme, the OIA may have previously considered your documents. Please be aware that the OfS's review of your documents and our judgement against initial condition C5 is independent from any view the OIA may have taken (or may take in future) about your documents, including any view taken by the OIA in relation to its own fairness principle.

¹⁶ See OfS, Annex A: Application requirements notice at [Supporting documents](#).

¹⁷ See OfS, [Regulatory framework for higher education in England](#).

¹⁸ See GOV.UK, [Higher education: consumer law advice for providers](#).

¹⁹ See GOV.UK, [Consumer rights and issues](#).

²⁰ See OIAHE, [Good Practice Framework](#).

Submitting additional contextual information alongside mandatory documents

You may use the text boxes provided in this submission checklist to provide additional information about any of the documents you are submitting. Where you consider the space provided is insufficient, you may submit further information separately. Any additional information must:

- be clearly labelled as supporting information for initial condition C5
- not seek to justify the non-submission of mandatory information
- not seek to justify the inclusion of provisions in student-facing documents that would otherwise be contrary to any of the provisions set out in the OfS prohibited behaviours list.

Providers in subcontractual partnerships or delivering employer-sponsored provision

Where your provider does not intend to charge fees to any students if successfully registered, you must still submit all the required documents. This is relevant to the following providers in particular:

- providers that intend only to provide higher education via a subcontractual partnership
- providers that intend only to deliver higher education as part of an apprenticeship or other employer-sponsored provision.

To meet the submission requirements, you will need to submit documents for your provider and of other higher education providers or organisations connected with your provider's higher education provision where they are charging fees. This only applies to documents related to the charging of tuition fees, as follows:

- template terms and conditions for the provision of higher education and any documents which form part of those contracts, including terms related to any tuition fees payable and any additional costs that may apply
- policies that set out the terms for refund and compensation for higher education students.

You will be responsible for the submission of these documents so you may need to liaise with your partners in preparing your submission.

In a subcontractual partnership, if your provider considers the lead provider's documents do not comply with the requirements of initial condition C5, you should seek to address this with your partners before submitting your application.

If you are seeking registration and intend to deliver apprenticeship or other employer-sponsored provision you will need to submit relevant extracts of template contracts between students and their employer. Relevant extracts are specific terms and conditions related to the higher education that will be delivered by your provider. We will not assess these contracts, but we will use them to check that any content in your provider's documents (or other published information) is consistent with information provided to students by their employer.

Appendix 3: Fraud and public funding declaration

Defined terms appear in bold throughout this form. Their meanings are set out in condition E8.²¹

Please place an X in the relevant box	YES	NO
1. Within the last 60 months, has your provider been convicted of the offence provided for in section 199 of the Economic Crime and Corporate Transparency Act 2023? ²²	☐	☐
2. Within the last 60 months, has a relevant person made a final decision which has directly or indirectly revoked the provider's access to, or required the provider to repay, relevant public funds on grounds relating to a relevant fraud offence and/or the inappropriate use of such funds?	☐	☐
3. Within the last 60 months, has a conviction of the kind described in question 1, or a decision of the kind described in question 2, been made in relation to another legal entity that has been operating substantially the same higher education business as the provider?	☐	☐

If you have answered yes to any of the above questions, please provide further details below. This should provide a summary of the circumstances and, where relevant, any mitigations that have been put in place following the event.

Please note: if the answer is 'yes' to any of the above questions, the provider will be deemed not to satisfy the requirements of initial condition E8 unless there are **exceptional circumstances**.

I, the nominated accountable officer, declare that the information provided above is true and correct to the best of my knowledge.

Name of provider:

Name of nominated accountable officer:

Signature:

²¹ See OfS, [Regulatory framework for higher education in England](#).

²² See GOV.UK, [Economic Crime and Corporate Transparency Act 2023](#).

Appendix 4: Investigations declaration form

Investigations into the provider

In the 60 months preceding the date of the provider's OfS registration application, has your provider been subject to any investigation, by or on behalf of, any of the bodies listed in the table below?

Type of body conducting the investigation	Please place an X in the relevant box	
	Yes	No
Awarding organisation	☐	☐
Awarding body	☐	☐
Professional body	☐	☐
Regulatory body	☐	☐
Funding body	☐	☐
Statutory body	☐	☐
Enforcement body	☐	☐
Public body	☐	☐
Other higher education provider	☐	☐

In the 60 months preceding the date of the provider's OfS registration application means:

- any investigation that was concluded within the 60 months preceding the date of the provider's OfS registration application (regardless of when it was opened).
- any investigation that was opened within the 60 months preceding the date of the provider's OfS registration application and is not yet concluded, that is, is still open or where the outcomes are still pending.

If you have answered 'yes' please provide further information for each investigation into the provider as follows.

For any investigation into the provider, a brief description of the scope including subject matter of the investigation as notified to the provider by or on behalf of the investigating body. This should also include information about the organisation or body that carried out the investigation and when it was carried out.

For any investigation into the provider that has been concluded, a brief description of the scope including subject matter of the investigation as notified to the provider by or on behalf of the investigating body. This should also include information about the organisation or body that carried out the investigation and when it was carried out, the outcomes or findings of the investigation, including any sanctions or penalties applied, and any actions taken by the provider in response. Include even if no findings were made.

For any investigation into the provider that is not yet concluded, that is, are still open or where the outcomes are still pending, a brief description of the status of the investigation.

Investigations into individuals

Please note that you should not include any information that may identify any individuals. If you answer 'yes' to this question, the OfS will be in contact to request further details.

Please place an X in the relevant box.	Yes	No
Are there currently any open investigations into any relevant individuals ? The meaning of relevant individuals is defined in condition E9.	☐	☐

I, the nominated accountable officer, declare that the information provided above is true and correct to the best of my knowledge.

Name of provider:

Name of nominated accountable officer:

Signature:

Appendix 5: Fit and proper persons declaration form declaration form

This declaration form should be completed to state whether the provider is aware of any indicative matters as listed below for any of its **relevant individuals**.

Defined terms appear in bold throughout this form. Their meanings are set out in condition E9.10.

“**relevant individual**” means all of the following:

- a. any member of the provider’s **governing body**;
- b. the individual proposed as the accountable officer for the purposes of ongoing condition of registration E3;
- c. the individual(s) proposed to hold overarching responsibility for the management of the provider’s financial affairs;
- d. any **company director** of the provider;
- e. any **company secretary** of the provider;
- f. any individual who holds more than 25 per cent of the shares in the provider;
- g. where the provider has a **parent undertaking**, any individual who holds more than 25 per cent of the shares in that **parent undertaking**; and
- h. any individual who would have significant overarching responsibility for ensuring that the provider complies with the ongoing conditions of registration (if registered).

Do not disclose any details in this form which could identify individuals. We will contact you if we require any further information in relation to this declaration form.

Please place an X in the relevant box.		YES	NO
E9.5	a. an individual has been subject to any adverse findings in civil proceedings (in any jurisdiction), and those findings relate to that individual operating in a business or professional capacity;	☐	☐
	b. an individual has been subject to any adverse findings in disciplinary proceedings by any relevant person or body (in any jurisdiction), or is currently the subject of such disciplinary proceedings;	☐	☐
	c. an individual, or an organisation they are or have been involved in that is or has been connected to the education sector, has been subject to any adverse findings by any relevant person or body (in any jurisdiction);	☐	☐

Please place an X in the relevant box.		YES	NO
	d. an individual, or an organisation they are or have been involved in , has been subject to any adverse findings by any relevant person or body (in any jurisdiction) in relation to the inappropriate use of relevant public funds ;	☐	☐
	e. an individual, or an organisation they are or have been involved in , is currently the subject of an investigation by any relevant person or body (in any jurisdiction) in relation to the inappropriate use of relevant public funds ;	☐	☐
	f. an individual, or an organisation they are or have been involved in , has (in any jurisdiction): i. been refused a registration, authorisation, membership or licence to carry out a trade, business or profession (including any licences which relate to student visas); and/or ii. had a registration, authorisation, membership or licence to carry out a trade, business or profession revoked, withdrawn or terminated (including any licences which relate to student visas);	☐	☐
	g. an organisation that an individual is or has been involved in , has been convicted of the offence provided for in section 199 of the Economic Crime and Corporate Transparency Act 2023 (failure to prevent fraud) or any relevant fraud offence , or a similar offence in an overseas jurisdiction;	☐	☐
	h. an organisation that the individual is or has been involved in , has been convicted of any criminal offence in relation to tax matters (in any jurisdiction);	☐	☐
	i. an organisation that the individual is or has been involved in went into insolvency, liquidation or administration (in any jurisdiction);	☐	☐
	j. an individual was dismissed, or was asked to resign and did resign, from a role at an organisation (in any jurisdiction) where the individual held significant managerial responsibility or influence , while operating in a business or professional capacity;	☐	☐
	k. an individual has previously been disqualified as company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime;	☐	☐
	l. an individual has previously been disqualified from being a charity trustee or trustee for a charity under s 178(1) of the Charities Act 2011 or an equivalent overseas regime;	☐	☐

Please place an X in the relevant box.		YES	NO
	m. an individual has previously been declared bankrupt (or equivalent) in any jurisdiction.	☐	☐
E9.7	a. at any point during the course of the provider's application to register with the OfS including at the point of applying (and the OfS's consideration of that application): i. an individual was disqualified as a company director under the Company Directors Disqualification Act 1986 or an equivalent overseas regime; ii. an individual was disqualified from being a charity trustee or trustee for a charity under s 178(1) of the Charities Act 2011 or an equivalent overseas regime; iii. an individual was an undischarged bankrupt (or equivalent) in any jurisdiction;	☐	☐
	b. an individual has been convicted of a criminal offence (excluding minor offences) in any jurisdiction, and the following apply: i. the conviction is not: A. spent for the purposes of the Rehabilitation of Offenders Act 1974; or B. subject to equivalent protections in an overseas jurisdiction; and ii. where the conviction relates to an offence in an overseas jurisdiction, a similar criminal offence exists in the United Kingdom.	☐	☐
If you have answered 'yes' to any of the above questions, the OfS will be in contact to request further details. Please note: If you have answered yes to any of the matters listed in E9.7 above, that individual will be deemed not to be a fit and proper person for the purposes of initial condition E9.4, unless there are exceptional circumstances.			

I, the nominated accountable officer, declare that the information provided above is true and correct to the best of my knowledge.

Name of provider:

Name of nominated accountable officer:

Signature:



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