

# Registration with the OfS: frequently asked questions

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# Who should register, registration categories and registration benefits

## 1. What is the difference between the two registration categories?

There are two categories:

- Approved (fee cap)
- Approved

You should decide which benefits you want to access in order to determine which category to apply for. Section 2 of the registration guidance (Regulatory Advice [2](#) and [3](#)) sets out the benefits attached to the different categories.

The main differences relate to access to public grant funding, the fee levels you can charge and the levels of student support that your students can receive:

- You need to register for Approved (fee cap) if you wish to access OfS or UKRI public grant funding.
- You need to register for Approved (fee cap), with an access and participation plan, if you wish to charge above the basic fee amount. The fee you can charge is capped at the higher amount and your eligible students will be able to access student support up to this level.
- Providers in the Approved category can charge uncapped fees, but their eligible students can only access student support up to the basic fee level.

The basic and higher fee amounts are set out in section 2 of the registration guidance.

## 2. Which category should we register in?

There are two categories:

- Approved (fee cap)
- Approved

You should decide which benefits you want to access in order to determine which category to apply for. Section 2 of the registration guidance (Regulatory Advice [2](#) and [3](#)) sets out the benefits attached to the different categories.

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charge is capped at the higher amount and your eligible students will be able to access student support up to this level.

- Providers in the Approved category can charge uncapped fees, but their eligible students can only access student support up to the basic fee level.

The basic and higher fee amounts are set out in section 2 of the registration guidance.

### **3. I would like some clarification on the distinction between existing and new providers.**

We define existing providers as those who were either funded or regulated by the Higher Education Funding Council for England (HEFCE) or regulated by the Department for Education (DfE).

In more detail, this is:

- a. Higher education institutions (HEIs) funded by HEFCE during 2017-18 or which will be funded by the OfS in 2018-19.
- b. Further education colleges and sixth form colleges directly funded by HEFCE in 2017-18 or which will be directly funded by the OfS in 2018-19.
- c. Providers designated for student support by the Secretary of State and regulated by the DfE in 2018-19 (sometimes referred to as alternative providers).

New providers are those that the above does not apply to, and embedded colleges.

### **4. If I am an existing provider, do I need to go through the registration process? If so, why?**

All providers of higher education must register with the OfS if they wish to access the benefits set out in section 1 of the registration guidance (Regulatory Advice [2](#) and [3](#)).

This is because the Higher Education and Research Act 2017 sets out that to be registered a provider must satisfy the initial conditions of registration. These include new requirements which have not been tested in the previous regulatory systems.

The OfS is also required to make its own judgement about whether the initial conditions are satisfied. This means we can use some of the information that HEFCE and DfE previously held to make our assessments, but we cannot use the judgements made by other regulators.

### **5. If we only want to charge fees up to the basic amount, does that mean we should apply for the Approved category and don't need to be in the Approved (fee cap) category?**

Not necessarily. You will need to consider the other differences in benefits available to the two categories: for instance, whether you want to maintain or access public grant funding.

**6. Does the OfS public grant funding in the summary of benefits table include capital funding and catalyst funding?**

Yes. Public grant funding from the OfS refers to any teaching funding previously included in the HEFCE block grant. This would include any capital funding available from 2019-20. It would also include eligibility for any special or competitive funding initiatives should such funding be available in 2019-20 or future years.

**7. Registration has been made optional for providers that deliver higher education through a subcontractual arrangement-only - should those providers register?**

If you deliver higher education only through a subcontractual (franchise) arrangement it is up to you whether you register or not.

However, if you wish to gain or retain the ability to recruit international students through a Tier 4 sponsorship licence you will need to register, regardless of whether your courses are validated or subcontracted.

**8. We have a mix of direct and indirectly-funded provision. Do we need to register?**

If you have provision delivered through a validation arrangement and you wish to continue to receive public grant funding for this provision, you will need to register.

If you **only** deliver higher education courses on behalf of another provider through a subcontractual arrangement you do not normally need to register. Your lead provider will be responsible for providing evidence that it satisfies the conditions of registration in relation to the subcontractual arrangement. If it does, your students will be able to access student support due to the registration of the lead provider. In these circumstances, whether or not you apply to register is a strategic decision based on the benefits your institution needs or wishes to access.

However, if you wish to gain or retain the ability to recruit international students through a Tier 4 sponsorship licence you will need to register, regardless of whether your courses are validated or subcontracted.

Please see section 1 of the registration guidance (Regulatory Advice [2](#) and [3](#)) for details on defining subcontractual arrangements.

**9. We are a small higher education provider (approximated 120 students). All our students are taught through franchised programmes with two higher education providers. Do we need to register for students to access Disabled Students' Allowance?**

No. If you deliver all of your higher education courses on behalf of another provider under a subcontractual arrangement, you will not normally be required to register in your own right, although you may do so if you wish. Your students will be able to access student support (this includes the Disabled Students' Allowance) due to the registration of the lead provider.

But if you wish to gain or retain the ability to recruit international students through a Tier 4 sponsorship licence, you will need to register, regardless of whether your courses are validated or subcontracted.

#### **10. Does an embedded institution which is a postgraduate-only provider with its own Tier 4 licence need to apply?**

Yes. If you require educational oversight for a Tier 4 sponsorship licence (even as part of another provider's licence) and meet the definition of a higher education provider, then you will need to register with the OfS to maintain your Tier 4 licence. This is set out on page 3 of the registration guidance (Regulatory Advice [2](#) and [3](#))

The [primary guidance for Tier 4 licence requirements](#) is provided by the Home Office.

The Home Office will also shortly be issuing supplementary guidance to cover the higher education reforms and implications for Tier 4.

#### **11. Does an embedded institution (a research institute) in receipt of research council funding with PGR-only students need to register?**

Yes.

#### **12. Do further education colleges with no Student Loans Company relationship or direct HEFCE/OfS funding but charging over the basic fee amount need to register?**

If you **only** deliver higher education courses on behalf of another provider through a subcontractual arrangement (meaning that you don't/didn't have a direct relationship with the Student Loans Company or HEFCE) you do not normally need to register.

Your lead provider will be responsible for providing evidence that it satisfies the conditions in relation to the subcontractual arrangement. If it does, your students will be able to access student support due to the registration of the lead provider.

In these circumstances, whether or not you apply to register is a strategic decision based on the benefits your institution needs or wishes to access.

However, if you wish to gain or retain the ability to recruit international students through a Tier 4 sponsorship licence you will need to register, regardless of whether your courses are validated or subcontracted.

Please see section 1 of the registration guidance (Regulatory Advice [2](#) and [3](#)) for details on defining subcontractual arrangements.

#### **13. We hold a Tier 4 licence but for 16-18 provision and not our HE courses. Do we need to register to maintain our Tier 4 licence?**

The [primary guidance for Tier 4 licence requirements](#) is provided by the Home Office.

You do not need to register if your Tier 4 licence is for 16-18 provision, and you would otherwise not need to register.

#### **14. Can we change our category of registration at a later date?**

Yes. You can apply to change your category of registration at any point. If you are applying to change from the Approved to the Approved (fee cap) category, there will be a date each year by which you would need to apply in order to start receiving funding in the following academic year.

#### **15. Can we apply for Approved (fee cap) and charge the basic fee initially, and produce an APP for future years when we have developed the expertise?**

Yes. You will be able to apply to do this once registered.

#### **16. We are due to merge with another college. Should we register separately or not?**

Section 3 of the registration guidance (Regulatory Advice [2](#) and [3](#)) states:

If you are expecting to merge with another provider this will have implications for your application to register. The approach you take to applying for registration will depend on when your merger is due to take place and when you want to communicate with applicants.

Your options are:

- a. Wait until the merger has taken place and apply to register once it is complete.
- b. You, and the provider you are due to merge with, register separately and then the lead provider reports the merger once it has completed. This means that both providers would have access to the benefits of registration if the merger did not proceed or was delayed.
- c. The lead provider registers and reports the merger once it has taken place. This option would mean that the provider due to dissolve would not be able to access the benefits of registration if for any reason the merger did not proceed or was delayed.

Options b and c would mean that we would need to reassess some of the ongoing conditions of registration that were imposed during the initial registration process.

#### **17. Which of my courses do I need to register with the OfS?**

Registration does not take place on a course-by-course basis. You will register as a whole provider and will be regulated and subject to ongoing conditions of registration on this basis. Your self-assessments and student protection plan should cover all higher education students registered to your provider.

**18. Will Level 3 provision be covered by the educational oversight from the OfS for Tier 4 purposes?**

Yes. The OfS will register the provider and the educational oversight will apply to provision at Level 3.

**19. Do providers with over 500 students need to participate in the TEF to be eligible to register with the OfS?**

No. The requirement for providers with over 500 HE students to participate in the TEF is an ongoing condition of registration that will apply from August 2019. It is not an initial condition of registration. The initial conditions of registration are what providers will be assessed against in order to register.

Student numbers will be calculated using data collected by the designated data body or in the Individualised Learner Record (ILR, for further education and sixth form colleges only). The calculation will be based on full-time equivalents (FTEs) and will only take into account students who are registered with the provider. The OfS will publish a technical specification of how it will perform this calculation in early summer.

**20. Can 16-19 academies register with the Office for Students?**

A 16-19 academy can register if it meets the eligibility requirements. Eligibility requirements are set out in section one of the registration guidance (Regulatory Advice [2](#) and [3](#)).

**21. Will 16-19 academies be eligible to receive public funding from the Office for Students?**

Eligible students at a 16-19 academy that is registered with the Office for Students will be able to access the student support system administered by the Student Loans Company. It has not yet been confirmed whether academies will be able to receive public grant funding from the Office for Students. This will be clarified through secondary legislation which is due to be passed in the summer.

## Application process (timing, application forms, submission)

### 22. When is the application deadline?

There are no deadlines to apply for registration but please refer to the suggested application dates below:

Apply at any time but by:	If:	Receive decision by:
Monday 30 April 2018	You have an early student recruitment cycle	Mid-July 2018
Wednesday 23 May 2018	You have a standard student recruitment cycle	Mid-September 2018
Friday 31 August 2018	You want to receive public grant funding for the first time in 2019-20	Mid-November 2018

### 23. What is the deadline to submit an access and participation plan?

You must submit your access and participation plan with the rest of your registration application.

### 24. What are the consequences of not applying by the suggested May deadline?

You can submit your application at any time. You should plan the timing of your application to fit with your own student recruitment cycle. This will ensure that you can receive a registration decision in time to communicate with applicants about fee levels (where these will be subject to a fee limit) and the student support that will be available.

If you apply by 23 May 2018 you will receive a registration decision and, if successful, be listed on the OfS's Register by mid-September 2018. If you don't apply by 23 May it may mean that you get a decision about registration after September 2018.

### 25. After the portal for applications has opened, should we upload documents as they are ready or all together? Is there any flexibility in submitting different parts of the application at different times (for example, submitting the access and participation plan later due to the need to involve students in this)?

You can upload individual documents when they are ready, but they will not be submitted to us until you have uploaded all documents and selected 'submit'. See our [instructions about how to upload documents and submit your application](#).

Your application will not be logged as submitted until you have completed all steps and we will not be able to begin to assess it until then. You will need to submit your access and participation plan by the recommended date if you want a decision by a particular time.



**26. We do not have an early student recruitment cycle. Can we still apply in the period 3 April – 30 April 2018?**

Yes. You can apply from Tuesday 30 April 2018. However we will prioritise applications made by providers that have an early recruitment cycle as their students need to have information available at an earlier stage. We will then undertake assessments in the order that applications were submitted.

**27. We are about to receive a full quality review visit from the QAA as we have just merged – is there any flexibility in the 23 May submission date?**

There are no deadlines but please refer to the suggested applications dates at 24 above.

You can still submit after 23 May and we will assess your application. The date of your application will affect the timing of any decision and publication on the Register. You can also apply in advance of receiving the outcome of the QAA review and we will undertake the assessment of other conditions.

**28. Given that the new QAA review will not be available for new providers until August 2018, when is the earliest a new provider can be registered? How does this affect a new provider's ability to apply for new degree awarding powers from September 2018 for delivery starting in September 2019?**

We expect to be able to provide more information about the process and timescale for the new quality and standards review by the QAA in the late summer.

If you are a new provider you can still apply for registration and we will assess all of the other initial conditions of registration. If these are satisfied we would then ask the QAA to schedule a quality and standards review. We expect the review to be aligned with the test for new degree awarding powers and are aiming to make it possible for both to happen at the same time. Further information will be available in summer 2018.

**29. The guidance on when to apply refers to providers recruiting students for the 2019-20 academic year. What about new providers that will recruit students at a later date? Are there later deadlines we should be aware of?**

The suggested application dates refer only to recruitment for the 2019-20 academic year. If you are a new provider and will recruit students from 2020-21, you will need to plan the timing of your application to ensure you are published on the Register in time to communicate with your applicants.

### **30. The application form asks for information on key individuals, including Directors and Trustees. Does this refer to our senior management team or members of the governing body?**

We are seeking this information for your directors/trustees or equivalent – that is, the people who either own or have ultimate control of your provider. If you are a charity you should list your trustees. If you are a private company you should list your directors.

In many providers, this will refer to the governing body. It does not include the senior management team unless its members are also directors of the provider.

The full definition is provided in the [‘How to submit your application for registration with the OfS’](#) guidance:

- Your **‘directors’** are the senior people involved in running the provider, or they could be non-executive directors with responsibility for the oversight of the provider, whether or not they are called ‘directors’.
- **Trustees** has the meaning given by section 177 of the Charities Act 2011 – trustees are the people who have the general control and management of the administration of a charity.

Note: The term ‘governing body’ has the meaning given in section 85 of HERA. Broadly, this will be any board of governors of the provider or any person or group of people responsible for the management of the provider/company, or an equivalent controlling body. This might be the board of directors, the trustees of a charity, for example.

### **31. Will you accept an application without personal email addresses/telephone numbers for directors/trustees?**

You do not need to provide personal email addresses/telephone numbers for directors/trustees, but you must include name, date of birth and any additional directorships/trusteeships. You can include a corporate email address/telephone numbers.

### **32. The application form requests we include our VAT status. Is this a mandatory requirement?**

The VAT question on the application form does not apply to exempt charities. Exempt charities are therefore not required to populate this section.

### **33. In the ‘corporate information’ section of the form, is there a definition of ‘other linked organisations’?**

By using a catch-all of ‘other linked organisations’ we are intending to capture organisations that are not legally part of the same group as a provider but which are owned by the same people as the provider or which have the same ‘persons with significant control’ (as required to be reported to Companies House).

We would also expect this to include any otherwise unrelated entity that has given a loan to the provider (unless it is an FCA-regulated lender such as a bank) or which the provider has given a loan to.

#### **34. Members of our governing body do not wish to provide their date of birth as they are concerned about data protection and how OfS will use this information. Can you advise the purpose for collecting this information?**

We are collecting this information because we will be undertaking a 'fit and proper persons' assessment for those people who own and manage your organisation and we require the name and date of birth to positively identify the individuals in order to undertake this assessment. This information will be used solely for this purpose.

We provide full details on this requirement in the [regulatory advice on how to register as a current provider](#) (pages 21 to 23), and the same information in the [regulatory advice for new providers](#) (pages 22 to 24). We also provide information in the instructions for how to submit your application to the OfS available under ['how to register' on our website](#).

We have set out a [specific privacy notice](#) for how we will use and protect data collected by OfS through the registration process.

Under the General Data Protection Regulation (GDPR), we are required to identify the legal basis we have for collecting and processing this information – these are set out as follows (and included in the privacy notice):

- Article 6(1)(c) – processing is necessary for compliance with a legal obligation to which the controller is subject.
- Article 6(1)(e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

#### **35. What if a member of the governing body refuses to provide the requested consent?**

We are collecting this information because we will be undertaking a 'fit and proper persons' assessment for those people who own and manage your organisation. We require the name and date of birth to positively identify the individuals in order to undertake this assessment.

This information will be used solely for this purpose.

**If an individual who meets the required criteria for inclusion on this section of the application form (accountable officer/chair of governing body/director/trustee) refuses to provide the requested consent, we may be unable to conduct the 'fit and proper persons' assessment and this may have an impact on your application for registration and could cause delay to the assessment process.**

The reason for seeking consent is to ensure that any individual whose personal information is being held and processed is aware that this information is being passed to the OfS, and the purpose for which the information is being used.

### **36. Some of our directors/trustees have roles in more than two other organisations. How can we add this information to our application?**

The application form only enables you to add two organisations. We suggest that you provide this additional information in an annex to your application, and submit in a Word document in section 4 of the portal.

You only need to provide the name of the individual, and the company/charity name and company/charity number. Please also ensure that the name of your provider is included at the start of this document. If you do need to do this, please write in the box on the application form ('see attached annex') rather than completing the rows for that individual.

### **37. Can we have more information on the assessment criteria for registration?**

It is up to providers to read the regulatory framework and published registration guidance (Regulatory Advice [2](#) and [3](#)), and to make a judgement about how to demonstrate that they satisfy the requirements. We cannot provide advice on how to meet the conditions beyond what is set out. The self-assessment templates include examples of relevant evidence and set out the topics or sections you must include in each self-assessment.

For the quality condition B3 (student outcomes) we will take account of the context in which you operate, such as the type of provision you offer, location and student population, when making judgements about your performance. We will consider your actual performance over time rather than your performance when compared to a sector-adjusted benchmark. This is to ensure that a baseline level of performance is used to determine whether you may be registered, rather than a view of your performance compared with other providers. There is no single numerical threshold/assessment criteria because we will consider several different indicators and will ensure that our judgement is underpinned by the context for an individual provider.

## **Conditions of initial registration**

### **Access and participation (condition A1 or A2)**

Please see separate FAQs on the [access and participation webpage](#).

### **Quality and standards (conditions B1 – B5)**

#### **38. (When) will we have sight of data that will inform assessments and judgements in this area?**

The data that will inform assessment for the quality and standards initial condition B3 is set out in section 8 of the registration guidance (Regulatory Advice [2](#) and [3](#)).

All the data listed is data that you have previously submitted and verified as part of other regulatory processes. We will not be making it available to you again as part of this process.

**39. How can we provide you with additional contextual information to the data and indicators you plan to use to judge us against the quality and standards condition B3? When you're looking at our data/indicators/metrics, how will you take into consideration our context (for example, in an area of deprivation, high BME student population, high proportion of WP students, provision focused on small number of subject areas)?**

We will take account of the context in which you operate, such as the type of provision you offer, location and student population, when making judgements about your performance. We may also get in touch with questions if we think we need additional information.

We will consider your actual performance over time rather than your performance when compared to a sector-adjusted benchmark. This is to ensure that a baseline level of performance is used to determine whether you may be registered, rather than a view of your performance compared with other providers.

There is no single numerical threshold because we will consider several different indicators and will ensure that our judgement is underpinned by the context for an individual provider.

**40. What assessment is being used to judge student outcomes, and what will be acceptable or good enough? Baseline requirements without minimum performance indicators make it hard for providers to know what to do. Why isn't there a quantitative lower limit?**

We will take account of the context in which you operate, such as the type of provision you offer, location and student population, when making judgements about your performance. We may also get in touch with questions if we think we need additional information.

We will consider your actual performance over time rather than your performance when compared to a sector-adjusted benchmark. This is to ensure that a baseline level of performance is used to determine whether you may be registered, rather than a view of your performance compared with other providers.

There is no single numerical threshold because we will consider several different indicators and will ensure that our judgement is underpinned by the context for an individual provider.

**41. We are a small provider – we can't publish NSS data and can only get a provisional TEF, which we feel looks bad on us. The lack of availability of data goes against us, through no fault of our own, and we find it hard to compete against the bigger providers and universities. The new regulatory world brings us in direct competition with these providers and I was wondering if the OfS will acknowledge the problems we have faced and take context more into account?**

We will take account of the context in which you operate, such as the type of provision you offer, location and student population, when making judgements about your performance. We may also get in touch with questions if we think we need additional information.

We will consider your actual performance over time rather than your performance when compared to a sector-adjusted benchmark. This is to ensure that a baseline level of performance is used to determine whether you may be registered, rather than a view of your performance compared with other providers.

There is no single numerical threshold because we will consider several different indicators and will ensure that our judgement is underpinned by the context for an individual provider.

**42. How will student outcomes be measured for providers with HND/C provision?**

We will construct indicators for HN provision using either the HESA return or through the ILR data which we obtain from the Education and Skills Funding Agency for FECs. The indicators will then be assessed in the same way as for other student outcomes.

**43. We have recently undergone a QAA review - do we need to submit any evidence to the OfS?**

No. Existing providers do not need to submit any evidence in relation to the quality and standards conditions. We will use outcomes from current systems and we will construct indicators from existing data. Further detail is provided in section 8 of the registration guidance for current providers ([Regulatory Advice 2](#)).

**44. Will the QAA still be assessing using the Quality Code or will there be new requirements?**

The new quality and standards review process is under development and will be available from August 2018.

The UK Standing Committee for Quality Assessment (UKSCQA) consulted on a new approach to the Quality Code's Expectations between October and December 2017. The outcome of the consultation was announced 27 March 2018.

The [new approach](#) seeks to ensure that the Code remains the cornerstone for quality in UK higher education, that it protects the public and student interest, and that it maintains the UK's world-leading reputation for quality in higher education.

The new version of the Quality Code – the Expectations and Core Practices – will be used to underpin the new QAA quality and standards review process.

**45. Once we are registered, when will our next QAA review be and how frequently will we be reviewed?**

There will not be any scheduled cyclical reviews from 1 August 2019. We will monitor providers using lead indicators, any reportable events that you are required to tell us about, and other information such as from complaints and whistleblowing.

When the new regulatory framework is fully implemented from 1 August 2019, we will conduct a process of ‘random sampling’ which is likely to include assessment of quality and standards matters. Please see paragraphs 147 – 152 of the [regulatory framework](#).

**46. We are a HEI that has not had a QAA review in a number of years. Will this affect your assessment of how we meet the quality conditions?**

No. We will use the outcome from the Annual Provider Review process to make these judgements.

**47. We have an APR outcome of ‘meets with an action plan’ – how will our ability to register successfully be affected?**

As set out in Section 8 of the registration guidance (Regulatory Advice [2](#)) we would normally expect existing providers to have an APR outcome of either ‘meets expectations’ or ‘meets expectations with an action plan’ to satisfy the quality and standards conditions B1, B2, B4 and B5.

Where an action plan is in place we would expect to see that you are making satisfactory progress with this.

**48. We are a new provider. Will we need a quality review visit from the QAA?**

Yes, new providers will need a review visit from the QAA. You can apply for registration in advance of having this review and we will assess all other conditions.

If you meet the other conditions, we will ask the QAA to schedule a review visit. You will only be registered once you have a successful outcome from the review.

**49. What data/indicator will be used for graduate destinations? Will progressing from an HND to a BA top-up count as a postgraduate destination?**

We will use the destination of leavers from higher education (DLHE) survey. Progressing from a HND to a BA top-up will not count as a postgraduate destination because a BA top-up is not a postgraduate course.

**50. How are you measuring destinations – will you be using SOC codes as for the DLHE/Graduate Outcomes surveys?**

We will use the data generated by the Destination of Leavers from HE Survey (DLHE). Standard occupational classification codes are used within the DLHE.

**51. Are degree apprentices included in the indicators? If so, how are they incorporated?**

Yes. A degree apprentice is recorded and returned against a student's course so they will be treated in the same way as other HE students.

**52. We are an alternative provider with a successful QAA review, but are just changing validating partner. Do we need another review to register?**

No, for the purposes of registration, we will use the most recent published Higher Education Review (Alternative Providers) (HER (AP)).

**53. We received degree awarding powers and teaching degree awarding powers recently. Will we have to go through another QAA review?**

No, for the purposes of registration, we will use the most recent published Higher Education Review (Alternative Providers) (HER (AP)).

### **Student protection plan (SPP) (condition C3)**

**54. The student protection plan needs to be published but this might expose areas of risk that we would not want to be exposed. Do we have to publish these details?**

The purpose of your SPP is to protect the quality and continuation of study of your students. You need to be transparent for applicants and students about the risks in this area that are reasonably likely to occur and the measures you will put in place if any of these risks do crystallise.

We will consider what information an applicant might reasonably expect to have to make an informed choice about study and you should consider your approach to your SPP from the same perspective.

**55. Should the student protection plan be published at the point of application?**

No. You should wait until your SPP is approved before publishing it.



**56. The student protection plan (SPP) template is not student-friendly. Can we publish something more suitable on our website?**

You do not have to use the template in your application for registration. If you do use the template in your application for registration you could change the presentation of the information before you publish your SPP, provided the content is that approved by the OfS.

**57. Can we approach the student protection plan (SPP) as a plan to address a generic risk assessment (for example, risk of course closures in general will be assessed as part of annual programme reviews) and identify general timelines and processes? Where a specific course is identified as likely to close, would we then address it through a targeted action plan for that course?**

It is up to you to decide how best to assess the risk to the quality and continuation of study for your students and to determine the measures that would be necessary to protect students should these risks crystallise.

Your SPP is intended to provide meaningful information to individual applicants and students about their study choices, so we would expect you to consider what would be most appropriate in this context.

**58. What level of detail is required in the student protection plan (SPP)? What level of evidence do we have to provide? And what if we judge a scenario to be low risk and OfS disagrees with the risk assessment? Many of the requirements are business as usual (for example, teaching out courses, with written policies). Would providers need to do much more than this?**

It is up to you to read the regulatory framework and published guidance, and to make a judgement about how to demonstrate that you satisfy the requirements.

You must however ensure that your plan covers the four elements set out in Section 4 of the guidance (Regulatory Advice [2](#) and [3](#)):

- The range of risks to the continuation of study for your students, how these risks may differ based on your students' needs, characteristics and circumstances, and the likelihood that those risks will crystallise.
- The measures that you have put in place to mitigate those risk that you consider to be reasonably likely to crystallise.
- Information about the policy you have in place to refund tuition fees and other costs to your students in the event that you are no longer able to preserve continuation of study.
- Information about how you will communicate with students about your SPP.

You should make a judgement about the evidence you need to provide to demonstrate that you satisfy the requirements. Our risk assessment will take into account our view of the credibility of your own assessment of risk.

If, for example, we do not think the provisions of your student protection plan are sufficient for the level of risk identified we may require additional mitigation in your SPP before it can be approved.

**59. Can you clarify what you mean by risks that are ‘likely to crystallise’?**

These are risks that are reasonably likely to occur in the short to medium term.

**60. Which students should be covered by the student protection plan (SPP)? Do all of our students need to be covered by the SPP? We have a small number of postgraduate students who are currently regulated, and 50,000 distance learning students not subject to current regulations. Should they be included in the SPP?**

To be registered with the OfS a provider must meet the definition of an ‘English higher education provider’ set out in the regulatory framework.

Once registered, all of a provider’s higher education provision is subject to regulation. This is the case even if some courses or students were not eligible for funding under the previous regulatory arrangements.

This means that the risk to the quality and continuity of study for all of your higher education students should be considered as you prepare your SPP.

**61. Are the conditions that refer to consumer protection law and student protection plans forward-looking or are providers expected to be meeting them already?**

To satisfy the initial condition on consumer protection law you must show how you have had regard to relevant guidance about complying with existing consumer protection law. If you think that you need to take further action in this area you should set this out in your self-assessment.

Your student protection plan must set out your assessment of the risks to the quality and continuation of study for your students from the date of your application for registration.

**62. Please clarify the position regarding the impact of industrial action on an institution’s ability to deliver learning. What are the implications for a student protection plan (SPP)?**

The SPP is concerned with continuation of study for your students if any of the events set out in the guidance take place. This does not cover shorter-term disruption to study as a result of industrial action.

You would, however, wish to consider these issues as you complete your self-assessment for condition C1 about guidance on consumer protection law.

**63. Do we need to seek legal advice in preparing a student protection plan?**

It is for you to decide whether you wish to seek legal advice about any matter connected with the OfS registration process.

**64. Are student protection plans (SPPs) for a defined period of time?**

The SPP should be a live document that is routinely updated. You will need to make a judgement about how often you need to review and update your SPP based on circumstances that may change your assessment of risk or the measures that you will need to put in place to protect the particular students you recruit.

**65. Is it possible that student protection plans (SPPs) will need to be refined through the OfS registration process?**

Yes. Your SPP will be assessed in the context both of our risk assessment and your own assessment of risks to the continuation of study for your students.

If we do not think the provisions of your plan are sufficient for the level of risk identified, we may require additional mitigation in your SPP before it can be approved (see Section 9 of Regulatory Advice [2](#)).

**66. How should we capture the requirements of any PSRBs when thinking about course closure as part of the student protection plan (SPP)?**

It is up to you to decide whether and how to include the requirements of PSRBs in your SPP.

**67. Is the compensation and refund policy an absolute requirement? Do we have to have one even if we would never use it as we would always teach out students on the discontinued courses?**

The guidance on the student protection plan (SPP) condition states that it is a requirement for all providers to have a refund and compensation policy. Teach out may not always be an appropriate option for all students and all circumstances.

Section 4 of Regulatory Advice [2](#) and [3](#) sets out the types of things that your refund and compensation policy might cover:

‘Your refund and compensation policy should be linked to, or included in, your SPP and should make provision for:

- a. Refunds for students in receipt of a tuition fee loan from the Student Loans Company.
- b. Refunds for students who pay their own tuition fees.

- c. Refunds for students whose tuition fees are paid by a sponsor.
- d. The payment of additional travel costs for students affected by a change in the location of their course or funding to offset additional costs incurred by relocation (for example, students with caring responsibilities whose childcare costs increase significantly, perhaps by transferring from a provider with a subsidised crèche to one without).
- e. Commitments to honour student bursaries.

Your refund and compensation policy should also include provision for the payment of compensation to students to cover, for example:

- a. Maintenance costs and lost time where it is not possible to preserve continuation of study.
- b. Tuition and maintenance costs where students have to transfer courses or provider.'

**68. How much detail do we need in the compensation policy? This is a new expectation – can we have guidance on how much loss to compensate for?**

You will need to make a judgement about what is appropriate. This should take into account your assessment of the risks to the quality and continuation of study for your students, and relevant guidance on how to comply with consumer protection law.

**69. If provision is subcontracted (or franchised), who is responsible for the student protection and which provider should include these students/courses in their student protection plan (SPP)?**

Where a delivery provider is not seeking registration in its own right, the courses it delivers should be included in the lead provider's SPP.

Where a delivery provider is seeking registration it must satisfy the initial conditions of registration in its own right. This means that it must have its own SPP, but this may refer to some of the provisions in the SPP of the lead provider where these are relevant because the lead provider holds the contractual relationship with students.

**70. We are a college based in England but our validating partner for a L7 course is a Welsh University which is not required to register because it will not be regulated by the OfS – how does this affect us, particularly in the context of student protection plans (SPPs)?**

A provider seeking registration with the OfS must satisfy the initial conditions of registration.

This means that you will need a SPP that sets out your assessment of the risks to the quality and continuation of study for all of your higher education students, regardless of whether your validating partner is also registered.

**71. What happens to a provider if its validating institution pulls out at short notice / goes out of business / has to invoke its student protection plan (SPP) that has a knock-on effect on the validated institution? Will the OfS provide short-term validation / assist in supporting the validated institution to protect students affected by the validating institution's issues?**

You should consider these issues in your risk assessment for your SPP and set out the measures you will put in place if these risks crystallise. It is the registered provider's responsibility to ensure that students' interests are protected in the event of course closure.

The OfS is not currently able to act as a validator, but may seek agreement from the Secretary of State to do so in future.

**72. Should we include subcontractual arrangements overseas in our student protection plan? They have different rules and regulations to UK based providers, and it is potentially more likely for such arrangements to cease (due to changes in local law, break down of agreements). Are we expected to cover all of the financial implications?**

Your student protection plan should consider the risk to the continuation of study for students at overseas campuses where you are the awarding body.

The [regulatory framework](#) (paragraph 88, page 40) sets out how the OfS will regulate overseas activity in providers registered with the OfS. It is worth looking at the full section, but this is the relevant quote:

'The OfS will regulate such overseas activity on the basis that the obligations of the registered provider extend to students for whom it is the awarding body wherever and however they study. The OfS would not regulate overseas activity where the registered provider is not the awarding body for students based outside England, for example, if it works in partnership with another awarding body that is not itself registered with the OfS.'

## **Financial viability and sustainability (condition D)**

**73. Will you look in detail at the financial evidence that we give to the ESFA (that is, will we have to submit that to the OfS too)?**

We will use the financial health ratings provided by the ESFA. You will not be required to submit any financial evidence to the OfS as part of your application for registration.

If your most recent financial health rating is 'inadequate' we will ask for more information from the ESFA before making a decision.

**74. For newly merged college groups, would you be using the Education and Skills Funding Agency's (ESFA's) previously separated financial ratings? Is it possible to get the ESFA's view on the merged entity?**

We will use a merged rating if it is available from the ESFA, but will use the ratings for the individual colleges if a merged rating is not available.

## **Management and governance (conditions E1 and E2)**

**75. Can colleges draw on the AoC Code of Governance?**

Yes. If you use a particular governance code then your self-assessment could refer to how you ensure compliance with this code as part of your evidence for the management and governance conditions.

**76. The management and governance of the higher education and further education at my further education college are through the same processes – is this an issue for the M&G conditions?**

No. If you are a further education college or a sixth form college your self-assessment needs to address the management and governance arrangements for your higher education provision.

It is acceptable for these to be the same processes as your further education provision, as long as you can demonstrate effective management and governance of your higher education provision.

**77. We had a Quality Review Visit last year. Can we use the information that we included in our self-assessment for this in our submission for the management and governance condition?**

You can reuse information where it is relevant, but you may need to include additional information to ensure you have satisfied all our requirements.

**78. If a provider applies for the Approved (fee cap) category but doesn't meet the additional public interest governance principles, will you give the provider the opportunity to apply in the Approved category instead?**

Yes.

**79. With regard to the two extra public interest governance principles for the Approved (fee cap) category, do these need to be satisfied at the point that the provider applies to register?**

You will need to satisfy these additional public interest governance principles from the date that you receive public funding.

A provider that applies to register in the Approved (fee cap) category will have to be able to demonstrate that they will be able to satisfy the additional public interest governance principles from the point at which funding might flow.

By successfully registering in the Approved (fee cap) category, any provider is able to access all benefits available in that category – this includes access to grant funding. We will allocate funding to these providers if our funding mechanisms would result in an allocation.

When funding is flowing we would then regulate against the extra public interest governance principles when in steady state. If funding does not flow (because for example, our funding formula doesn't calculate any for a specific provider) we would not regulate against the extra public interest governance principles in steady state.

**80. If we are making significant changes to our instruments and articles in 2018, does this remain with Privy Council approval and how might we approach this in our registration application?**

If you will be subject to Privy Council oversight of some of your governing documents in the academic year 2018-19 (this applies to all higher education institutions previously funded by HEFCE and any provider governed by a Royal Charter), and need to make changes to ensure that they uphold the public interest governance principles, we will be able to consider these changes in draft as part of the registration process.

This approach will mean that you do not need to seek Privy Council approval for minor changes during 2018-19.

**81. Governance reviews – what happens if we have not completed our action plan following an internal governance review?**

You are asked to provide a self-assessment of the adequacy and effectiveness of your management and governance arrangements. This could include the outcomes from any reviews and the progress with implementing outcomes.

**82. Do we need to submit copies of our governing documents or other internal policy documents alongside our management and governance self-assessment or consumer protection law self-assessment?**

No. Both the management and governance and consumer protection self-assessment templates give examples of documentation (such as policy and procedures) that you may want to refer to as evidence that supports the view you have formed in your self-assessment.

There is no need to submit any of this additional evidence – you just need to reference them as examples of how you satisfy the condition or as part of describing the measures you have in place. We may however ask to see original documents if we have concerns that you do not satisfy the condition.

**83. Do we need to provide a value for money (VFM) statement?**

Providing a value for money statement will be an ongoing condition from August 2019. You may list or describe one in as part of your evidence that you satisfy the relevant public interest governance principle, but do not need to provide one.

## **OfS assessment**

**84. Can someone at OfS look at a draft? How iterative is the process – that is, if you get something wrong, does that immediately discount your application?**

We cannot and will not look at a draft before you submit. If your application is missing an element or we need further clarification or information we will contact you to request further information.

**85. Is there a word limit on the self-assessments?**

No. You should satisfy yourself that you have given us all the relevant and necessary information as part of your application, taking into account and proportionate to the risks identified. We think it should be possible to do this succinctly focusing on core evidence.

**86. For further education colleges – if there are concerns with the ESFA report will these be discussed in advance of registration?**

No, we will not look at the evidence for the financial viability and sustainability condition until you submit your application and we commence assessment.

**87. Will providers know who is dealing with their applications?**

During the registration process you will have a named contact, and a named APP contact if you need to submit an APP.

**88. Applications are being assessed over the summer (in most cases) – what happens if the person in my organisation responsible for the application is on leave when the OfS assessment is taking place and there are questions?**

If you are going on leave you should contact the member of the registration team assigned to the assessment of your application to provide an alternative contact who we can talk to if we have any queries.

**89. I have a medical school but I am not sure if I am using UCAS (I am an alternative provider). When do I need to apply for registration and will OfS make the decision by mid-July?**

If you have an early recruitment cycle, but not through UCAS, you should contact us to make sure you are on our list of early recruiters.



**90. Those with early recruitment cycles will be the first in and on the Register. What if we don't have early UCAS applications but our competitors do? They will have a competitive advantage.**

Our priority is the student interest, and it is important that prospective students have the information they need when applying to early recruitment cycles.

**91. What will we find out about your assessment of us?**

As set out in section 10 of the registration guidance (Regulatory Advice [2](#) and [3](#)), if your application is successful we will write to you to confirm:

- the date of your registration and the date on which we will publish your details on the Register
- that you satisfy the initial conditions of registration
- the general ongoing conditions of registration that will apply to you
- whether we will impose any specific conditions of registration
- whether we will put in place any enhanced monitoring.

**92. Can we appeal the decision if we are unsuccessful? Is there a time-scale before we can apply again?**

As set out in section 10 of the registration guidance (Regulatory Advice [2](#) and [3](#)), if your application is unsuccessful we will notify your governing body of our intention to refuse registration setting out:

- the reasons for our refusal
- the method for you to make representations about our intention
- that you have 28 days from the date of our notification that we intend to refuse your application to make such representations.

We will take any representations into account before making a final decision. There is no appeal against the final decision.

There is no time-limit before you can reapply, but you will need to be able to demonstrate that you have addressed the issues that contributed to your unsuccessful application.

**93. Will you take context into account when you're assessing our application?**

You should not assume we have prior knowledge of your operations when you produce your self-assessments for conditions C1 and E2, your APP or your SPP.

However, when assessing indicators in relation to the quality and standards condition, we will take account of the context in which you operate, such as the type of provision you offer, location and student population, when making judgements about your performance.

**94. In section 5 of Regulatory Advice 2 some fields in the form are marked with asterisks. What does it mean?**

The fields that will be prepopulated in your application form are marked with an asterisk.

## **Risk assessment**

**95. What is the format of the risk assessment?**

We have set out our approach to risk assessment process in the regulatory framework (page 44).

The formal risk assessment carried out for a provider when it is first registered will be expressed in a risk profile covering each of the general ongoing conditions applicable to that provider. The risk profile will be updated as necessary as a result of ongoing monitoring activity. OfS will not assign an overall summative 'risk rating' or classification for an individual provider.

The risk profile will not be made public and no overall risk score will be issued. Actions will be taken against each condition where appropriate.

**96. How is a provider's risk level monitored and re-assessed going forward and how often will this be done?**

We have set out our approach to monitoring in the regulatory framework (pages 48 – 54). Further detail is provided in Regulatory notices 2, 3 and 4: Regulation up to 31 July 2019 of:

- providers that were previously funded by HEFCE ([regulatory notice 2](#))
- providers currently designated for student support by the Secretary of State ([regulatory notice 3](#))
- newly registered providers ([regulatory notice 4](#)).

## **Registration outcomes and the Register**

**97. Will everything that providers submit for registration be published?**

No. We only require that your access and participation plan or statement and your student protection plan are published.

## Degree awarding powers (DAPs)

### **98. We are interested in applying for degree awarding powers under the new arrangements – how do we find out more information about this?**

Information on the new arrangements for degree awarding powers, in place since April 2018, are set out in Part IV of the [regulatory framework](#). This includes the types of degree awarding powers available and the different eligibility and assessment criteria.

More detailed information on the assessment process is due to be published by the OfS and the Quality Assurance Agency for Higher Education in summer 2018. The QAA is the designated quality body (DQB). They advise the OfS over the process of assessing degree awarding powers.

Information on the timings for publication of more information and answers to some frequently asked questions are included in [Regulatory advice 4](#).

The [OfS degree awarding powers webpage](#) includes the links to all the information currently available (including the documents mentioned above) and will be updated as more information becomes available.

If you have any further questions, you can contact us at [daps@officeforstudents.org.uk](mailto:daps@officeforstudents.org.uk)

### **99. How will the OfS calculate student numbers as part of the degree awarding powers, university title or university college title new arrangements?**

We are developing and will publish a technical specification of the way we will perform this calculation. This will be published in summer 2018.

### **100. I have a three-year record of delivering degree level higher education in England. Can I apply for new DAPs?**

Yes. Providers with a track record can either apply for full DAPs or new DAPs. You will need to make a judgement about which route is most appropriate.

The [regulatory framework](#) outlines the types of degree awarding powers providers can apply for, the eligibility criteria, the assessment process and assessment criteria – which should help with this decision.

### **101. I am not a further education college but am interested in applying for foundation degree awarding powers – can I?**

No. Only further education corporations can apply for foundation degree awarding powers.

If you applied for, and were successful in gaining, taught degree awarding powers this would give you the ability to award foundation degrees.

More information on the eligibility criteria for different types of degree awarding powers are set out in the [regulatory framework](#).

### **102. Will there be a quicker and cheaper fast track for providers that already have Foundation DAPs to achieve Bachelor-only DAPs?**

The OfS and the QAA will publish more information about the new arrangements for DAPs, including the evidence requirements and assessment process, in late summer 2018.

We expect the QAA to publish information about its fees for DAPs assessment with its guidance about the DAPs process in late summer 2018.

### **103. The taught degree awarding power (TDAP) threshold has previously been quantifiable (majority of HE provision at level 6 or above on the FHEQ). For those looking to apply for bachelor-only degree awarding powers (BDAP), will there be a similar threshold and how will it be calculated?**

For providers applying for authorisation for bachelor degrees only, we may adopt a more flexible approach to the normal requirement that more than 50 per cent of a provider's students are registered on level 6 courses.

In these circumstances, we will consider factors including, but not limited to the:

- number of level 6 courses delivered by the provider
- overall number of students studying on level 6 courses
- number or proportion of higher education students who progress to level 6 courses
- views of the applicant's validating or subcontracting partner(s) about its suitability to hold DAPs.

For all DAPs applications, we will adopt the following approach to calculating student numbers: student numbers will be calculated using data collected by HESA or in the Individualised Learner Record (ILR).

The calculation will be based on intensity of study where a full-time student will typically count as one, and a part-time student will be treated as a proportion of a full-time student.

The calculation will only take into account students who are registered with the provider, rather than students registered with another provider but taught by the provider under a subcontractual arrangement. We will publish a technical specification of the way it will perform this calculation.

### **104. What will the application fee be for applying for DAPs?**

Further information on the cost of DAPs will be available in late summer 2018.

**105. Given that the QAA review will not be available until August 2018, when is the earliest a new provider can be registered? How does this affect a new provider's ability to apply for new degree awarding powers (DAPs) from September 2018 for starting delivery in September 2019?**

[OfS Regulatory Advice 4](#) provides guidance on the timings for the transition to the new DAPs arrangements, including the following:

'To be eligible to apply for and hold New DAPs or Full DAPs you will need to be registered with the Office for Students. If you are interested in applying for New DAPs or Full DAPs you should tell us this in your application for registration. We will assess your application to register first and then, if this is successful, you will be able to submit your DAPs application. Indicating on your application for registration that you intend to apply for DAPs, and what type of DAPs, will allow us to check that we have the information necessary to assess your eligibility for DAPs. It does not commit you to making a DAPs application.

We expect to start assessing applications for New DAPs and Full DAPs from September 2018. The majority of registration decisions will have been made by this time, and we also expect the designated quality body (DQB) to be ready to commence DAPs assessments from this point.

We and the DQB will publish more detailed information about the new arrangements for DAPs, including the evidence requirements and assessment process, in the summer of 2018.

Any DAPs authorisations that we make as part of these new arrangements will commence on or after 1 August 2019.'

The [regulatory framework](#) sets out the full eligibility criteria, assessment process and assessment criteria for the new DAPs arrangements so providers can begin to familiarise themselves with the process and requirements.

We will publish further details, including the likely timescales, in late summer 2018.

## **Ongoing conditions of registration**

**106. What is the distinction between initial and ongoing conditions of registration?**

Initial and general ongoing conditions are listed in Annex A of the [regulatory framework](#).

'Conditions' and 'conditions of registration' are terms used to mean all types of condition that a provider must satisfy in order to be registered.

They include:

- initial conditions of registration, which a provider must satisfy as part of its application to join the Register

- general ongoing conditions of registration, which a provider must satisfy after it has joined the Register in order to maintain its registered status. All initial conditions of registration are also ongoing conditions of registration once a provider is registered
- specific conditions of registration, which are additional conditions imposed by the OfS on a particular provider to mitigate increased risk of a future breach of general ongoing conditions.

**107. Can you say anything about the general monitoring requirements? How will the ongoing conditions be monitored?**

We have set out our approach to monitoring in the regulatory framework (pp. 48 – 54). Further detail is provided in Regulatory notices 2, 3 and 4; Regulation up to 31 July 2019 of:

- providers that were previously funded by HEFCE ([regulatory notice 2](#))
- providers currently designated for student support by the Secretary of State ([regulatory notice 3](#))
- newly registered providers ([regulatory notice 4](#)).

**108. Please could you explain how condition F2 on student transfer arrangements will be assessed?**

We have set out our approach to monitoring in the regulatory framework (pp. 48 – 54). Further detail is provided in Regulatory notices 2, 3 and 4: Regulation up to 31 July 2019 of:

- providers that were previously funded by HEFCE ([regulatory notice 2](#))
- providers currently designated for student support by the Secretary of State ([regulatory notice 3](#))
- newly registered providers ([regulatory notice 4](#)).

**109. For B6 (TEF participation), will you be looking at TEF Year 2 data files or TEF Year 3?**

We have set out our approach to monitoring in the regulatory framework (pages 48 – 54). We will publish further details later in 2018.

**110. How will the OfS manage the group of providers to be audited as part of ongoing monitoring? What kind of notice period will providers be given that they are to be audited?**

We have set out our approach to random sampling in the [regulatory framework](#) (paragraphs 147 – 152). We will publish further details later in 2018.

## OfS subscription fees

### **111. When will the fees be known as it may be this that makes the decision about whether to register or not?**

The Government [consultation response](#) sets out the proposed approach to OfS fees. OfS will act in line with the regulations laid by the Government, which are expected in April 2019.

### **112. Will there be a fixed fee per institution or will there be fee band or another model?**

The Government [consultation response](#) sets out the proposed approach to OfS fees. OfS will act in line with the regulations laid by the Government, which are expected in April 2019.

### **113. OfS fees: can I get a subsidy as a new provider?**

The Government [consultation response](#) sets out the proposed approach to OfS fees. OfS will act in line with the regulations laid by the Government, which are expected in April 2019.

### **114. Would it make a difference if a provider chose to remove itself from the register after the fees are known?**

A provider can chose to withdraw from the Register at any point. We would have strong expectations that the provider would continue to meet the needs of its students, and would expect its student protection plan to be explicit about the arrangements that would in place if this was a likely event.

## Regulatory framework questions

### **115. When will providers have to notify OfS of an event, particularly one that is unexpected? If it is expected, when will OfS need to be notified?**

We have set out our approach to monitoring in the regulatory framework (pages 48 – 54).

Further detail on reportable events is set out in the annexes of Regulatory notices 2, 3 and 4: Regulation up to 31 July 2019 of:

- providers that were previously funded by HEFCE ([regulatory notice 2](#))
- providers currently designated for student support by the Secretary of State ([regulatory notice 3](#))
- newly registered providers ([regulatory notice 4](#)).

Generally we would expect providers to notify the OfS as soon as they are aware of the event, whether this is before, during or after its occurrence.

**116. Where do degree apprenticeships fit within the OfS regulatory framework – there is no specific mention of them in any of the documentation and they cross the FE/HE boundaries of regulation/compliance?**

We regulate at the provider level and register providers, not courses or types of provision.

We are interested in all higher education students including those studying on degree apprenticeships. These students are included in HESA returns and therefore form part of the OfS approach to regulation through lead indicators.

We are also working with Ofsted on a joint approach to degree apprenticeships.

**117. When will student loan funding change for students?**

Once registered, providers will be able to access the benefits of their category of registration from 1 August 2019.

**118. If I have a provisional TEF award, will I be able to charge £6,165?**

Approved providers will be able to charge any fee they wish, but the tuition fee loan available to their students will be capped.

For providers with the provisional TEF award this will be capped at £6,165. Full details of the fee levels are published in Section 2 of [Regulatory Advice 2](#).

**119. Is the Quality Assurance Agency (QAA) part of the OfS?**

No. The QAA has been designated by the Secretary of State as the designated quality body under the Higher Education and Research Act 2017. We will work closely with the QAA, but the QAA remains an independent organisation.

**120. HEFCE previously regulated providers that are charities on behalf of the charities commission. Has this now been picked up by the OfS?**

Yes. On 1 April 2018, the OfS succeeded HEFCE as the principal regulator for higher education providers that are exempt charities. For further details please see paragraphs 159 – 160 of the [regulatory framework](#).

**121. What are the implications of the new regulatory system on VAT treatment?**

HMT will review the relevant VAT rules with a view to creating a comparable VAT treatment for ‘Approved (fee cap)’ providers to that of providers previously eligible to receive support from funds administered by the Higher Education Funding Council for England (HEFCE).

The objective is to enable continuity of VAT treatment for providers who are eligible to received grant funding as per the current system.