

Office for Students Provider Risk Committee: terms of reference

Purpose

1. The board of the Office for Students (OfS) has established a Provider Risk Committee (PRC) as a committee of the board to oversee and make decisions in relation to the registration and regulation of individual English higher education providers. The PRC also acts in an advisory capacity to the board as described in the scheme of delegation.

Responsibilities/authority

2. The PRC has decision-making powers as set out in the OfS's scheme of delegation in relation to the following decisions:
 - a. applications from providers to register with the OfS including, where judged necessary, the imposition of one or more specific conditions of registration where the recommendation is that:
 - the provider is not eligible for registration; or
 - the provider does not satisfy the initial conditions of registration; or
 - the risk category for two or more conditions is red or the risk category for condition D (financial viability and sustainability) or E2 (management and governance) is red.
 - b. applications from providers to register with the OfS including, where judged necessary, the imposition of one or more specific conditions of registration.
 - c. whether a registered provider continues to satisfy each of its ongoing conditions of registration, or whether there is or has been a breach.
 - d. the risk of a future breach of each ongoing condition of registration and any actions that are necessary to mitigate areas of increased risk of a breach.
 - e. actions that are necessary to rectify any breach and/or to mitigate the impact of any breach.
 - f. whether a formal sanction is necessary.
 - g. decisions about the authorisation, variation and revocation of degree awarding powers (DAPs).
 - h. decisions about authorisation or revocation of permission to use 'university' in a provider's title.

3. The chair of the PRC has specific authorities which are described in the scheme of delegation, such as participating in “gateway decisions” about whether some decisions in relation to individual providers should be taken by the board or the PRC.

Membership

4. The members of the PRC, including its chair, are appointed by the OfS chair. Members will have a mix of skills and experience to provide a range of expertise to cover the activities of the OfS.
5. Members are normally appointed for a period of three years. Re-appointment for up to three further years is subject to satisfactory appraisal by the PRC chair and approval by the OfS chair.
6. The chair of the PRC must be a non-executive member of the OfS board, but not be the OfS chair to ensure the independence of the PRC.
7. The PRC will consist of:
 - Up to three non-executive members of the OfS board (including the PRC chair)
 - Up to four independent members (i.e. between 0 and 4).
8. The validity of any proceedings of the committee shall not be affected by a vacancy among the members or by any defect in the appointment of a member. The quorum necessary for the transaction of the business of the committee shall be two members, including at least one member of the OfS board.
9. The PRC may co-opt additional members for a period not exceeding a year to provide specialist skills, knowledge and experience.
10. A register of declared interests for all members of the PRC is published on the OfS website. If it is deemed that a member has an actual or perceived conflict of interest, then any relevant paper(s) may be withheld, and/or the member asked to leave the meeting for the duration of the discussion at the discretion of the chair. If the conflict of interests is considered to be significant or likely to be long-term, then the member may be asked to step down from the PRC.
11. All members of the PRC are legally indemnified against negligence by the Department for Education.

Meetings

12. The PRC will meet at least four times a year. However, the chair of the PRC may convene additional meetings as they deem necessary.
13. Meetings may be held by correspondence and/or via video or teleconferencing. In the absence of the PRC chair, the meeting will be chaired by another member that is also a member of the OfS board.

14. While only members have a right to attend, meetings of the PRC will normally be attended by the OfS chief executive as an observer, the Director of Competition and Registration and the secretary to the committee.
15. The PRC may also require any other officials of the OfS to attend to assist it with its discussions on any matter.

Reporting

16. The PRC will formally report in writing to meetings of the OfS board. This will be complemented where appropriate by an oral report from the PRC chair at the board meeting.
17. PRC meetings shall be minuted and draft minutes circulated to members.
18. At appropriate points in its work cycle, the PRC or the Director of Competition and Registration will provide the board with a detailed update on its work.
19. The terms of reference for the PRC will be reviewed at appropriate intervals. The OfS board will be asked to approve any changes to the terms of reference.